



Department of Animal Services

MAYOR

Dee Margo

CITY COUNCIL

District 1

Peter Svarzbein

District 2

Alexsandra Anello

District 3

Cassandra Hernandez

District 4

Dr. Sam Morgan

District 5

Isabel Salcido

District 6

Claudia L. Rodriguez

District 7

Henry Rivera

District 8

Cissy Lizarraga

CITY MANAGER

Tommy Gonzalez

Animal Shelter Advisory Committee

Agenda

August 12, 2020 at 6:00 p.m. - 7:30 p.m.

Teleconference Phone Number: 1 (915) 213-4096

Conference ID: 182-445-769#

TEMPORARY SUSPENSION OF OPEN MEETINGS LAWS DUE TO EMERGENCY

The Texas Governor temporarily suspended specified provisions of the Texas Open Meetings Act to allow telephonic or videoconference meetings and to avoid congregate settings in physical locations.

Notice is hereby given that a Regular Meeting of the Animal Shelter Advisory Committee will be conducted on August 12, 2020 at 6:00pm.

In compliance with the requirement that the City provide two-way communication for members of the public, members of the public may communicate with the Animal Shelter Advisory Committee during public comment, and regarding agenda items by calling the following number: 1 (915) 213-4096

At the prompt, please enter the corresponding Conference ID: 182-445-769#

The public is strongly encouraged to sign up to speak on items on this agenda no later than one day prior to the meeting date by emailing their name, the phone number they will be calling from, and the topic they will speak on to Misty Monteros at MonterosMM@elpasotexas.gov or by calling (915) 212-8716.

The following members of the Animal Shelter Advisory Committee will be present via video conference:

Alexsandra Anello, Barbara Candelaria, Sandra DiFrancesco, Elvira Stephanie Frias, Yansi Parent, Mary Kay Rosenkranz, Julie Rutledge, Celeste Varela and Regina Wagner.

A quorum of the Animal Shelter Advisory Committee must participate in the meeting.

1. Call to Order - Establish Quorum
2. Discussion and Action on Approval of Minutes for March 11, 2020
3. Reports - Support the City of El Paso's Initiative to Reach and Sustain a 90% or Greater Live-Release Rate by 2020

Paula Powell – Director

Department of Animal Services | 5001 Fred Wilson | El Paso, TX 79906

O: (915) 212-7297 | Email: EPAS@elpasotexas.gov



DELIVERING EXCEPTIONAL SERVICES



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- A. Department of Animal Services July update and COVID-19 operational statistics - P. Powell
- B. Introduction of El Paso County Director of Animal Welfare and update on El Paso County Welfare Department organization, objectives and programs – L. Combs
- C. Update on Humane Society of El Paso programs, policies, procedures and challenges with COVID-19 – J. Rutledge
- D. Update on Animal Rescue League programs, policies and procedures with COVID-19 – L. Hyde

4. Call to the Public

5. Main Agenda

- A. Research and Advise on Effective Ordinances and Policies to Improve Overall Health, Welfare and Safety for Animals
 - A1. Discussion and clarification on what services are being continued and what services are not being offered by Animal Services due to COVID-19 – B. Candelaria
 - A2. Discussion and action on request by City and County officials for temporary waiver of spay/neuter requirement for a dog or cat adopted from a shelter (Title 10 Chapter 828 Dog & Cat Sterilization) – J. Rutledge
 - A3. Discussion and action on the City's current trap-neuter-return (TNR) program and a neighborhood feral cat situation - S. Francesco
 - A4. Discussion and action on Title VII changes – P. Powell
- B. Promote Education and Engagement of Animal Health and Welfare
 - B1. Discussion and action on a recommendation to create a mobile pet pantry for individuals that are struggling financially during COVID - S. Francesco
 - B2. Discussion and action on how to increase public awareness of the need to clean up after your dog - Y. Parent

6. Future Agenda Items

7. Adjournment - Next Meeting Scheduled September 9, 2020

Language interpreters will be provided for this meeting upon request. Requests must be made to the Department of Animal Services at a minimum of 24 hours prior to the date and time of the meeting. Copies of this Notice/Agenda will be provided in Braille, large print or audiotape upon request. Requests must be made a minimum of 48 hours prior to the date and time of the meeting.

Posted August 7, 2020 by Misty Monteros

Paula Powell – Director

Department of Animal Services | 5001 Fred Wilson | El Paso, TX 79906

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DELIVERING EXCEPTIONAL SERVICES



June 22, 2020

The Honorable Greg Abbott
Governor of Texas
PO Box 12428
Austin, Texas 78711

Dear Governor Abbott,


I write on behalf of the El Paso County Commissioners Court to respectfully request that enforcement of Texas Health and Safety Code Chapter 828, regarding dog and cat sterilization, be suspended pursuant to Chapter 418.016 of the Government Code for the duration of the COVID-19 declared disaster. We join the City of El Paso, which made this request of your office in May, and support the multiple local government and nonprofit animal welfare offices and veterinarians across Texas who also call for temporary suspension of Chapter 828 so that they may still provide live outcomes for animals during the ongoing pandemic.

Chapter 828 requires that shelters, before they release a dog or cat, either sterilize the animal or make the new owners agree to sterilize within 30 days.

Consistent with National Animal Care and Control Association recommendations,¹ the City and County of El Paso are actively supporting placing pets in foster care. Many foster parents end up wanting to adopt their pets. Unfortunately, compliance with Chapter 828 makes this impossible. Many veterinary hospitals, including those El Paso County contracts with, have stopped elective surgeries, leaving shelters without sterilization services.

To ensure more animals are given loving homes, we implore you to temporarily suspend Chapter 828 and allow animal welfare organizations to follow up on sterilizations after the pandemic has passed.

Thank you in advance for your serious consideration.

Sincerely,

Ricardo A. Samaniego
El Paso County Judge

¹ See NACA Statement on Releasing Unaltered Pets from Animal Shelters During the COVID-19 Pandemic, *available at* <https://www.nacanet.org/wp-content/uploads/2020/03/3.Releasing-Unaltered-Pets-from-Animal-Shelters-During-the-COVID-19-Pandemic.pdf>.



DEE MARGO
MAYOR

May 12, 2020

Office of the Governor
P.O. Box 12428
Austin, Texas 78711-2428

Dear Governor Abbott,

I as the Mayor of the City of El Paso, along with many other municipal and non-profit animal care and control organizations, veterinarians, animal shelters, animal rescues and animal welfare organizations across Texas, are writing you to urgently request that enforcement of Texas Health and Safety Code Chapter 828 (Dog and Cat Sterilization) be suspended during the declared disaster related to COVID-19 pursuant to Chapter 418.016 of the Texas Government Code.

The global COVID-19 pandemic continues to cause economic distress and hardship to many Texas citizens who love their pets, many of whom are no longer able to care for them. As more people are unable to afford care, more animals will be surrendered to animal shelters. Sadly, many of these surrendered animals are being and will continue to be euthanized, due to staff shortages and limitations around public adoptions in communities across the state. This will also lead to an additional financial burden for city and county operated shelters in the most rural shelters across the state. Shelters need the flexibility to treat animals and allow them to stay with their owners rather than be relinquished.

The National Animal Care and Control Association (NACA) [recommends](#) that shelters continue to prioritize live-outcomes such as adoption during the crisis and states unequivocally that “[i]f shelters are unable to or decide for any reason not to alter pets during the COVID-19 Pandemic, they should continue providing live outcomes for sheltered cats and dogs.” Chapter 828 makes compliance with this guidance impossible for some shelters.

By suspending enforcement of Texas Government Code Chapter 828, shelters can provide care to owners who are at risk of relinquishment without taking the animal into the shelter. As elective surgeries are stopping in most veterinary hospitals across the state per the recommendation of the US Surgeon General, many shelters are left without the option to sterilize before release and do not have the administrative support to enforce adoption contracts as Chapter 828 mandates. There is a national push to get animals out of shelters alive right now

and to try to follow up for sterilization, as resources allow, after the effects of COVID-19 are over. Unfortunately, some shelters are left with no choice but to euthanize healthy and adoptable dogs and cats in order to comply with the mandates of Chapter 828. We all want to do what is best for the people and pets of Texas without fear of penalty during this unprecedented crisis response.

Suspending enforcement for Chapter 828 will allow pets to live and stay with their foster families, reduce the operational impact of an increased number of pets in shelters, and ease the heavy financial burden of COVID-19 in all of our communities across the state of Texas.

We greatly appreciate your timely consideration and are here to respond to any questions your office may have moving forward.

Respectfully,



Dee Margo
Mayor of the City of El Paso

cc: Paula Powell, Director of El Paso's Animal Services

HEALTH AND SAFETY CODE

TITLE 10. HEALTH AND SAFETY OF ANIMALS

CHAPTER 828. DOG AND CAT STERILIZATION

Sec. 828.001. DEFINITIONS. In this chapter:

- (1) "New owner" means a person who is legally competent to enter into a binding contract and who is adopting a dog or cat from a releasing agency.
- (2) "Releasing agency" means a public or private animal pound, shelter, or humane organization. The term does not include an individual who occasionally renders humane assistance or shelter in the individual's home to a dog or cat.
- (3) "Sterilization" means the surgical removal of the reproductive organs of a dog or cat or the use of nonsurgical methods and technologies approved by the United States Food and Drug Administration or the United States Department of Agriculture to permanently render the animal unable to reproduce.
- (4) "Veterinarian" means a person licensed to practice veterinary medicine by the State Board of Veterinary Medical Examiners.

Added by Acts 1991, 72nd Leg., ch. 373, Sec. 1, eff. Jan. 1, 1992.

Amended by:

Acts 2005, 79th Leg., Ch. 230 (S.B. 248), Sec. 1, eff. May 27, 2005.

Sec. 828.002. REQUIREMENTS FOR ADOPTION. Except as provided by Section 828.013, a releasing agency may not release a dog or cat for adoption unless the animal has been sterilized or the release is made to a new owner who signs an agreement to have the animal sterilized.

Added by Acts 1991, 72nd Leg., ch. 373, Sec. 1, eff. Jan. 1, 1992.

Sec. 828.003. STERILIZATION AGREEMENT. (a) The sterilization agreement used by a releasing agency must contain:

- (1) the date of the agreement;
 - (2) the names, addresses, and signatures of the releasing agency and the new owner;
 - (3) a description of the animal to be adopted;
 - (4) the sterilization completion date; and
 - (5) a statement, printed in conspicuous, bold print, that sterilization of the animal is required under Chapter 828, Health and Safety Code, and that a violation of this chapter is a criminal offense punishable as a Class C misdemeanor.
- (b) The sterilization completion date contained in the sterilization agreement must be:
- (1) the 30th day after the date of adoption in the case of an adult animal;
 - (2) the 30th day after a specified date estimated to be the date an adopted infant female animal becomes six months old or an adopted infant male animal becomes eight months old; or
 - (3) if the releasing agency has a written policy recommending sterilization of certain infant animals at an earlier date, the 30th day after the date contained in the written policy.

Added by Acts 1991, 72nd Leg., ch. 373, Sec. 1, eff. Jan. 1, 1992.

Sec. 828.0035. STATE BOARD OF VETERINARY MEDICAL EXAMINERS. The State Board of Veterinary Medical Examiners shall:

- (1) develop information sheets regarding surgical or nonsurgical sterilization to be distributed by a releasing agency to a new owner; and
- (2) adopt rules requiring an animal that has been sterilized under this chapter to receive an identification marker in a manner authorized by the board.

Added by Acts 2005, 79th Leg., Ch. 230 (S.B. 248), Sec. 2, eff. May 27, 2005.

Sec. 828.004. STERILIZATION REQUIRED. (a) Except as provided by this section, a new owner who signs an agreement under Section 828.002 shall have the adopted animal sterilized on or before the sterilization completion date stated in the agreement.

(b) If the sterilization completion date falls on a Saturday, Sunday, or legal holiday, the deadline is extended to the first day that is not a Saturday, Sunday, or legal holiday.

(c) A releasing agency may extend the deadline for 30 days on presentation of a written report from a licensed veterinarian stating that the life or health of the adopted animal may be jeopardized by sterilization. There is no limit on the number of extensions that may be granted under this subsection.

Added by Acts 1991, 72nd Leg., ch. 373, Sec. 1, eff. Jan. 1, 1992.

Amended by:

Acts 2005, 79th Leg., Ch. 230 (S.B. 248), Sec. 3, eff. May 27, 2005.

Sec. 828.0045. NONSURGICAL STERILIZATION. A licensed veterinarian may use nonsurgical methods and technologies as labeled and approved by the United States Food and Drug Administration or the United States Department of Agriculture for use by veterinarians to humanely and permanently render a dog or cat unable to reproduce.

Added by Acts 2005, 79th Leg., Ch. 230 (S.B. 248), Sec. 4, eff. May 27, 2005.

Sec. 828.005. CONFIRMATION OF STERILIZATION. (a) Except as provided by Section 828.006 or 828.007, each new owner who signs a sterilization agreement under Section 828.002 shall deliver to the releasing agency from which the animal was adopted a letter signed by the veterinarian who performed the sterilization.

(b) The letter must be delivered in person or by mail not later than the seventh day after the date on which the animal was sterilized.

(c) The letter must state that the animal has been sterilized, briefly describe the animal, and provide the date of sterilization.

Added by Acts 1991, 72nd Leg., ch. 373, Sec. 1, eff. Jan. 1, 1992.

Amended by:

Acts 2005, 79th Leg., Ch. 230 (S.B. 248), Sec. 5, eff. May 27, 2005.

Sec. 828.006. LETTER CONCERNING ANIMAL'S DEATH. (a) If an adopted animal dies on or before the sterilization completion date agreed to under Section 828.002, the new owner shall deliver to the releasing agency a signed letter stating that the animal is dead.

(b) The letter must be delivered not later than the seventh day after the date of the animal's death and must describe the cause of death, if known, and provide the date of death.

(c) The letter required by this section is in lieu of the letter required by Section 828.005.

Added by Acts 1991, 72nd Leg., ch. 373, Sec. 1, eff. Jan. 1, 1992.

Sec. 828.007. LETTER CONCERNING LOST OR STOLEN ANIMAL. (a) If an adopted animal is lost or stolen before the sterilization completion date agreed to under Section 828.002, the new owner shall deliver to the releasing agency a signed letter stating that the animal is lost or stolen.

(b) The letter must be delivered not later than the seventh day after the date of the animal's disappearance and must describe the circumstances surrounding the disappearance and provide the approximate date of the disappearance.

(c) The letter required by this section is in lieu of the letter required by Section 828.005.

Added by Acts 1991, 72nd Leg., ch. 373, Sec. 1, eff. Jan. 1, 1992.

Sec. 828.008. NOTICE OF FAILURE TO RECEIVE LETTER. A releasing agency that does not receive a letter under Section 828.005, 828.006, or 828.007 before the expiration of the seventh day after the sterilization completion date agreed to under Section 828.002 shall cause a complaint to be filed against the new owner. It is a presumption under this law that the failure of the new owner to deliver to the releasing agency a signed letter as required under Section 828.005, 828.006, or 828.007 is the result of the new owner's refusal to have the adopted animal sterilized. The new owner may rebut this presumption at the time of the hearing with the proof required under the above-mentioned sections.

Added by Acts 1991, 72nd Leg., ch. 373, Sec. 1, eff. Jan. 1, 1992.

Sec. 828.009. RECLAMATION. (a) A releasing agency that does not receive a letter under Section 828.005, 828.006, or 828.007 after the expiration of the seventh day after the sterilization completion date agreed to under Section 828.002 may promptly reclaim the animal from the new owner.

(b) A person may not prevent, obstruct, or interfere with a reclamation under this section.

Added by Acts 1991, 72nd Leg., ch. 373, Sec. 1, eff. Jan. 1, 1992.

- Sec. 828.010. CRIMINAL PENALTY. (a) A new owner that violates this chapter commits an offense.
(b) An offense under this section is a Class C misdemeanor.

Added by Acts 1991, 72nd Leg., ch. 373, Sec. 1, eff. Jan. 1, 1992.

- Sec. 828.011. ADOPTION STANDARDS. (a) Each releasing agency may set its own standards for potential adopters if those standards are applied in a fair and equal manner.
(b) If the releasing agency is a public facility, the standards must be reasonably related to the prevention of cruelty to animals and the responsible management of dogs and cats in the interest of preserving public health and welfare.

Added by Acts 1991, 72nd Leg., ch. 373, Sec. 1, eff. Jan. 1, 1992.

Sec. 828.012. SURGERY AND OTHER VETERINARY SERVICES. (a) Surgery or nonsurgical sterilization performed in accordance with this chapter must be performed by a veterinarian or a full-time student of an accredited college of veterinary medicine as provided by Chapter 801, Occupations Code.

(b) A veterinarian employed by a releasing agency may not perform nonemergency veterinary services other than sterilization on an animal that the releasing agency knows or should know has an owner. However, this subsection does not prevent a veterinarian employed by a releasing agency from performing veterinary services on an animal whose owner is indigent.

(c) A person associated with a releasing agency may not interfere with the independent professional judgment of a veterinarian employed by or under contract with the releasing agency.

Added by Acts 1991, 72nd Leg., ch. 373, Sec. 1, eff. Jan. 1, 1992. Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.811, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 230 (S.B. 248), Sec. 6, eff. May 27, 2005.

Sec. 828.013. EXEMPTIONS. This chapter does not apply to:

- (1) a dog or cat that is claimed from a releasing agency by a person who already owns the animal;
- (2) a releasing agency located in a municipality that has in effect an ordinance providing standards for dog and cat sterilization that exceed the requirements provided by this chapter;
- (3) an institution of higher education that purchases or otherwise procures a dog or cat for the purpose of biomedical research, testing, or teaching; or
- (4) a releasing agency located in:
 - (A) a county with a population of 20,000 or less; or
 - (B) a municipality with a population of 10,000 or less.

Added by Acts 1991, 72nd Leg., ch. 373, Sec. 1, eff. Jan. 1, 1992. Amended by Acts 1993, 73rd Leg., ch. 794, Sec. 1, eff. June 18, 1993.

Sec. 828.014. ANIMAL FRIENDLY ACCOUNT; DEDICATION. (a) The animal friendly account is a separate account in the general revenue fund. The account is composed of:

(1) money deposited to the credit of the account under former Section 502.291, Transportation Code, and under Section 504.605, Transportation Code; and

(2) gifts, grants, donations, and legislative appropriations.

(b) The Department of State Health Services administers the account.

(b-1) The Department of State Health Services may spend money credited to the account or money deposited to the associated trust fund account created under Section 504.6012, Transportation Code, only to:

(1) make grants to eligible organizations that sterilize animals owned by the general public at minimal or no cost; and

(2) defray the cost of administering the account.

(c) The Department of State Health Services may accept gifts, donations, and grants from any source for the benefit of the account. The executive commissioner of the Health and Human Services Commission by rule shall establish guidelines for spending money described by Subsection (b-1).

(d) In this section "eligible organization" means:

- (1) a releasing agency;

(2) an organization that is qualified as a charitable organization under Section 501(c)(3), Internal Revenue Code, that has as its primary purpose:

(A) animal welfare; or

(B) sterilizing animals owned by the general public at minimal or no cost; or

(3) a local nonprofit veterinary medical association that has an established program for sterilizing animals owned by the general public at minimal or no cost.

Added by Acts 1997, 75th Leg., ch. 657, Sec. 1, eff. Sept. 1, 1997. Amended by Acts 2001, 77th Leg., ch. 1292, Sec. 1, eff. June 16, 2001.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1625, eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1626, eff. April 2, 2015.

National Animal Care & Control Association

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NATIONAL ANIMAL
CARE & CONTROL ASSOCIATION



NACA Statement on Releasing Unaltered Pets from Animal Shelters During the COVID-19 Pandemic

In light of the request by the U.S. Surgeon General for human and animal organizations to suspend 'non-essential' surgeries to preserve critical medical supplies, the University of Wisconsin School of Veterinary Medicine, in collaboration with other leading schools of shelter medicine, issued a [recommendation for animal shelters](#). NACA supports and expands upon this initial statement.

If shelters are unable to or decide for any reason not to alter pets during the COVID-19 Pandemic, they should continue providing live outcomes for sheltered cats and dogs.

The lack of immediately available spay and neuter services should not be a reason for shelter euthanasia. Further, anticipated personnel and supply resource depletion in shelters dictate that essential services and lifesaving capacity be preserved by reducing the number of animals in custody as quickly as possible. This should be done by expediting the movement of animals to adoptive or foster homes and not extending the stay of animals in the shelter for spay or neuter surgery.

Depending on state and local laws, three possible ways to outcome unsterilized pets include:

- Adopt out pets unaltered and provide vouchers for future use to get the pet spayed or neutered. Staff and volunteers can provide follow-up after the COVID-19 Pandemic to ensure pets get altered once surgeries can be performed.
- Outcome pets as 'foster-to-adopt.' This means they live with their new family but aren't officially 'adopted' until they can return for their spay/neuter appointment or provide documentation of sterilization by another provider.
- If the organization does not have the resources to provide spay and neuter in the future, they should consider releasing animals unaltered with a list of low-cost spay and neuter services in the community.