



CITY CLERK DEPT.
2018 MAR 9 PM 3:52

Department of Animal Services

Animal Shelter Advisory Committee

Minutes
January 10, 2018

1. **Call to Order – Establish Quorum**

A meeting of the Animal Shelter Advisory Committee was held at the City Council Chambers and was called to order at 6:20pm by Chair Ken Margherio.

Board Member	Present	Absent
Barbara Candelaria	X	
Amanda Herrera	X	
Dr. Guy Johnsen	X	
Ken Margherio	X	
Charlie Moreno	X	
Claudia Ordaz Perez		X
Maria Ramirez		X
Julie Rutledge	X	
G. Eric Stoltz		X
Regina Wagner	X	
VACANT		

Animal Services staff present: Paula Powell, Mario D'Agostino, Nicole Cote, Misty Monteros and Michele Anderson.

Public present: List of attendees available upon request.

2. **Approval of Minutes**

Discussion and action on approval of the December 13, 2017 minutes.

Dr. Guy Johnsen made a motion to accept the December 13, 2017 minutes; Charlie Moreno seconded; all members voted in favor, none opposed, and motion passed unanimously.

3. **Chairman Remarks – Introduction and Establishing Meeting Guidelines**

Chair provided a handout to members (attached here as part of these minutes) and spoke on duration of ASAC member reports and agenda items, clarity on agenda items, submission of agenda items, agenda item presentations and reports and call to the public.

4. **Reports**

A. **Member**
None



Department of Animal Services

B. Subcommittee

None

C. Rescue Agency/Limited Shelter Report

Julie Rutledge provided a brief report on the Humane Society, noting the goal for the year was 4,000 adoptions, average for the last 5-6 years has been around 3,500 adoptions, and there were 4,081 adoptions for 2017. Another goal was half of their intake would be pulled from Animal Services and over 2,000 animals were brought over from Animal Services. Strategic planning is ongoing and in conjunction with that, Austin Pets Alive and the City of Austin Animal Services will visit the Humane Society and stakeholders within the community through support from Maddie's Fund in late January as they explore a community-wide approach to no-kill.

D. Department of Animal Services Report

Paula Powell, Interim Director, provided the December monthly report with fiscal and calendar year comparatives via a PowerPoint slideshow, briefly reviewing statistics and comparatives on intakes, outcomes, live release rates, and shelter animal counts. She further reported the Department of Animal Services and the City of El Paso were notified last week of receipt of a PetSmart Charities grant in the amount of \$90,000 to enhance the spay/neuter and Community Cat programs in 2018. With that, Paula introduced the Pawcast for member review. General discussion followed.

5. Call to the Public

The following members of the public commented: Linda Krasowski, Marcia Margherio, Patricia Johnson and Mary Mackay.

6. Main Agenda

A. Discussion on Open Meetings Training and Purview of the ASAC

Assistant City Attorney Josette Flores with the City's Legal Department provided a brief explanation of the Open Meetings Act. She noted it is a Texas law that provides for transparency, allowing the public to interact with their government and know what exactly will be discussed in a meeting via the agenda that should list what the meeting is, where it is at and what exactly will be discussed. Agenda information must be posted and available to the public at least 72 hours in advance of the meeting. There should not be meetings outside of the posted meeting, which is a violation of the law. Email communications to place items on the agenda and topics of concern for ASAC should go through staff to be placed on the agenda and those items are discussed at the actual meeting. She further explained that emails addressed to the group should never be answered by hitting 'reply all' as it presents the opportunity for discussions to take place that should only be



Department of Animal Services

had in the posted meeting. When in a meeting situation where a quorum is not present, the group may listen to information, but may not discuss or take action on it. The Act applies to telephonic, email and in person communications to ensure the public is aware and can participate. Josette further noted that subcommittee meetings should be posted as well, to have a record of the meeting and so that the public is aware. Violation of the Open Meetings Act is a misdemeanor, punishable by a fine and up to 6 months in jail.

Josette next addressed the purview of the board, to include guidance and advice to all animal shelters located in the City and county municipalities we have an interlocal with, to prepare and provide an annual written report to City Council that provides information regarding the performance of the statutorily required duties of ASAC, to act as the advisory committee to Mayor and Council to promote close cooperation between the City and private citizens, and other duties as provided in Chapter 823 of the Texas Health and Safety Code.

B. Discussion and Action on the ASAC Strategic Planning Meeting Date

Chair made brief remarks on setting a date for the strategic planning meeting (attached here as part of these minutes) with as many members as possible on January 20th. A question was asked about whether or not City staff needed to be present; Josette Flores answered affirmatively. General discussion followed and it was decided that City staff will supply dates from which members can choose the strategic planning meeting date via email. *No action taken at this time.*

C. Discussion and Action on Changing the ASAC Meeting Location

Chair briefly discussed changing the ASAC meeting location (attached here as part of these minutes) and listed options on the table, such as City Council chambers, the main conference room at City 1 or the Humane Society conference room. A question was raised about whether the ASAC meetings are required to be streamed and recorded; Josette Flores noted that the intent is to make sure the meetings are available to the public, and if the location is to change, staff should work with IT to ensure video and filming capabilities would be present. General discussion followed.

Julie Rutledge made a motion to move meetings to the Humane Society conference room at 4991 Fred Wilson, contingent on an absolute mandate that meetings must be live-streamed and that is not possible. Charlie Moreno seconded; all members voted in favor, none opposed, and motion passed unanimously.

D. Discussion and Action on the ASAC By-laws



Department of Animal Services

Chair requested the item be tabled until the next regularly scheduled meeting on February 14, 2018.

E. Discussion and Action on Statute 823, Defining a Shelter and ASAC Authority

Dr. Guy Johnsen spoke on defining a shelter (attached here as part of these minutes), noting there are 5 recognized shelters in our area who should be reminded of the required annual shelter inspection via an informal memo. He further discussed the state law mandate that requires ASAC to ensure recognized shelters comply with Texas statutes and reviewed the inspection process. General discussion on shelter inspection notifications, enforcement and animal organization permits followed. *No action taken at this time.*

F. Discussion and Action on Pet Owner Responsibility and Education

Charlie Moreno provided a brief video for member review before explaining that a resolution to become a no-kill city passed in 1999. The goal was to reach no-kill, or 90% live release rate in 2005, which never happened. He noted that we are close now because of changes in shelter policies, directors and Title 7, which made way for the Community Cat and TNR programs, along with work with Sun City Cats. He further explained that once the 90% live release rate is reached, it will be a matter of education to create empathy for animals to maintain the rate. He reviewed reasons for intakes, resources available and humane education via a PowerPoint presentation before requesting a subcommittee for humane education be created to research and develop educational materials, fundraising ideas, marketing and design, public relations and community outreach, and work with local rescues. With the creation of the subcommittee, Charlie explained his goal is to find professional educators, professional groomers, licensed veterinarians, rescue directors, public relations managers and animal advocates to take part. Paula Powell explained that Animal Services is in the process of hiring an Education Specialist and expressed an interest in partnering with Charlie and rescue organizations to come up with a comprehensive education plan. Chair Ken Margherio appointed Charlie Moreno chair of the ad-hoc subcommittee for humane education and Amanda Herrera will be a member. *No action taken at this time.*

G. Discussion and Action on Free-Roaming Cats

Regina Wagner spoke on good colony care and the trap-neuter-return (TNR) technique and its success in practice. She explained that there is a recent increase in caregivers reporting they have been told to stop feeding and the cats will go away. Unless there is another food source nearby, cats are territorial and will not go far in search of food. Rather than leaving, they tend to come closer and take more risks encroaching on human habitations as they grow increasingly desperate to find something to eat, often digging through trash and knocking over garbage bins in search of food, which



CITY CLERK DEPT.
2018 MAR 9 PM3:52

Department of Animal Services

creates more nuisance and complaints by people who were previously undisturbed by the cats. She further expressed a need for community education as kittens are being removed from their mothers too soon and this will result in Animal Services being inundated with kittens. Paula noted that the training process with ACOs has already begun. *No action taken at this time.*

7. Future Agenda Items

Regina Wagner requested 'Changing El Paso Animal Ordinance', Barbara Candelaria requested 'Re-establishing Relationships and Communication with Rescues', and 'ASAC By-laws' will come back after being tabled.

8. Adjournment

Meeting was adjourned at 9:04pm.

Prepared by: Misty Monteros

Approved by ASAC Chairman: *Misty Monteros*

ASAC Meeting: January 10th, 2018

Chairman Remarks:

Being new in this role, It may take a little time to get acclimated, so I ask of you, my fellow committee members for your help and your support and commitment to meet the many challenges ahead. It is my hope that we can make a significant impact in 2018 in animal welfare in our community and be a key partner in the directive by our city leadership, to achieve a 90% live release rate in our community.

Lastly, I thank you for this opportunity to make animal welfare better in our community.

Going forward, I believe it is imperative that we channel our efforts to be as productive and timely in decisions as possible. In an effort to have our meetings be more productive and in order to cover the large amount of material that we have to process, I would like to set some general guidelines. (However, it may not be completely practical for tonight's meeting since you have already put together your reports and agenda items).

Time Duration of ASAC Member Reports and Agenda Items:

I would ask that Reports be kept to approximately 5 minutes in duration. This does not include questions and discussion. However, I would hope we could also limit discussion to approximately 5 minutes as well.

I would ask that Main Agenda Item presentations be limited to approximately 8-10 minutes.

Regarding open discussion on agenda items: I would also like to see the open discussion portion by members not exceed 10 minutes on any given item. At that point, we should be able request a motion for a specific action.

If an item cannot be addressed in that time frame, it may be that it requires additional analysis to get a better understanding of the issue.... or it may be that it is too broad in scope and we need to re-direct our focus on something more specific. In that case it could be rolled over into the next meeting to provide time to attain additional information and possibly narrow the scope to help with the decision making process.

I also suggest that on main agenda items, that the call to the public on that item be included prior to a motion or vote. I believe this offers the opportunity to consider public input as part of our decision.

Reports by DAS, Humane Society, Scheduled Guest Speakers, may exceed these time limits on occasion due to the larger amount of information being covered.

Clarity on Agenda Items: Whether in the reports section or main agenda, topics should be as specific as possible so that anyone reading the topic or heading can have a reasonable idea what will be reported or discussed. Some topics, historically, have been extremely broad in scope and need to be more focused.

Submission of Agenda Items: ASAC meeting Agenda Items will continue to be requested at the end of each meeting for the next consecutive meeting and recorded by the ASAC Secretary/DAS Office Manager. In addition, a memo to ASAC members will be sent out by the ASAC Secretary/DAS Office Manager (Misty Monteros) two weeks before the next consecutive monthly meeting on a Wednesday. Agenda items will then be due the following Monday by 9:00 am. She will then send the agenda to me for approval prior to sending it out to the membership. It must then be posted 72 hours before the actual ASAC meeting.

In the event there are more items submitted than what can realistically be managed, they will be taken in the order as submitted. On occasion, some items may be postponed to the next meeting if it is deemed it is beyond a reasonable and realistic work load. An exception to the first come first served scheduling would be if an item is deemed to be extremely critical or time sensitive, it can be brought to the chairman's attention to reprioritize within the schedule. At the point the agenda memo is sent out to ASAC members, you will realistically have two working days to get your item in. So, in the two week period that is being allocated prior to that, I would expect that you have already determined what you would put on the agenda.

Agenda Item Presentations and Reports:

In addition, a hard copy of all reports must be turned into the ASAC Secretary/DAS Office Manager by the end of the meeting so they can be part of the meeting minutes.

Call to the Public: Call to the public will remain as is. Time limit is 3 minutes. This will pertain to both the standard call to the public as well as commentary on agenda items.

Public comment on agenda items. After each agenda item, the public will be given the opportunity to comment on the item.

Misty

Agenda Item B: Discussion and Action on the ASAC Strategic Planning Meeting Date:

What I would like to propose is to set the date tonight for our Strategy meeting. I also believe it is critical to get this behind us and have a set of objectives that we can use as a guideline for 2018. It has been somewhat difficult historically to get all of us together and find a time that works for everyone so we may not have the luxury of full attendance. Julie has graciously offered the conference room at the Humane Society as a meeting place. To try to simplify this, I would like to propose that we meet on Saturday, January 20th with as many members as possible. In addition, members of Animal Services are welcome to attend as well as members of the public.

We would use that date to put together our mission and key objectives for 2018. We could then put it on the following ASAC meeting agenda for discussion and action to formally adopt the plan.

Could I see a show of hands, how many of you would be able to make that date.

If most members can attend, I would like to entertain a motion to set the meeting on January 20th at 8:30 am...

Agenda Item C: Discussion and Action on Changing the ASAC Meeting Location:

This has been brought up a number of times by members as a point of discussion. As I understand it, we have three options on the table, Current Location...City Council Chambers, Conference Room Upstairs in this building as well, or the Humane Society Facility on Fred Wilson.

Beyond looking at individual convenience based on where we all live, which varies with each of us....I would make a couple of comments....

These meetings are currently recorded and are available on U-Tube for viewing in the current location...council chambers. I do not know if that is the case with the other two locations.

There has been comments that when the meetings were on Fred Wilson at DAS, there was more public attendance.

What do all of you see as pros and cons at this point? Lastly, I would like entertain a motion to vote on the location for future meetings.

Motion to vote on location....

Ken Marchino Jan 10th, 2018

FYI DEFINING A SHELTER

I have not found any clarity in the actual definition of a shelter giving the ASAC a clear recognition of those shelters that should be inspected per Texas statute. The Texas Department of State Health Services (DSHS) definition (Health and Safety Code, Title 10, Chapter 823, Sec. 823.001 Definitions) states:

“(1) Animal Shelter” means a facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals.”

Dr. Waldrup, Region 9&10 Zoonosis Control Veterinarian, said “We tend to define that as a brick-and-mortar type of structure with pens and runs. Foster-based organizations are not necessarily exempt from inspection, but, at present, there is no state regulation that defines how many animals a foster may have in their possession without becoming a brick-and-mortar facility. If there are local regulations limiting the number of animals at an address, then fosters must abide by those local regulations. Unless the local regulations specifically allow designated fosters to have more than the allotted number of animals per address, fosters are NOT exempted from local regulations simply because they are fosters.”

I am unaware of any limitations in Title 7 regulating the numbers of dogs or cats an owner can have under their care.

I questioned Loretta Hyde, manager of Animal Rescue League, one afternoon about how she was notified on the statute requiring her shelter to be inspected. She said she was a member of the ASAC years ago and complied based on knowledge gained while on the committee.

Currently there are five recognized shelters in our area: Department of Animal Services (DAS), Humane Society, Animal Rescue League, Guardian Angel, and Treasured Hearts and Barks. I do know that the Humane Society and DAS have to be inspected based on the fact they are quarantine facilities and store controlled drugs (this is required under different chapters in the Health Code). Other than the Animal Rescue League, I do not know who notified the remaining shelters of their need to be inspected. In my opinion, they do fall under a shelter definition, but some foster groups may also fall under similar guidelines.

The whole recognition process remains vague and to venture beyond our current design, I believe one would have to get into the ordinance (Title-7) and create a definition. Law permits municipalities the option to strengthen the policy of law—it just cannot weaken it. Another option that could be considered, is allowing the DAS to set policy requiring those that pull a large number of animals from their facility be subject to an inspection.

A motion can be introduced to investigate this issue further if committee members are uncomfortable with the current process and realize the need for clarification. An ad hoc subcommittee could be formed for this purpose with representation from the DAS and this committee.