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ORDINANCE NO. 017039

AN ORDINANCE AMENDING TITLE 7 (ANIMALS), BY ADDING CHAPTER 7.28 (ANIMAL SHELTER ADVISORY COMMITTEE); AND SECTIONS THEREUNDER TO ESTABLISH THE CITY OF EL PASO ANIMAL SHELTER ADVISORY COMMITTEE

WHEREAS, the City is required by the terms of Section 823.005, Texas Health and Safety Code, to appoint an advisory committee to assist in complying with the terms of that statute, as there are animal shelters located within the city limits; and

WHEREAS, the function of this committee is different than and separate from the traditional advisory board function, for which the Council may establish a separate advisory board regarding animal welfare issues, either for itself, or in conjunction with the County.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Chapter 7.28 (Animal Shelter Advisory Committee) be added to the El Paso City Code, along with the following sections.

Section 2. That Section 7.28.010 (Animal Shelter Advisory Committee - established), be added to the El Paso City Code to read as follows:

Section 7.28.010 Animal Shelter Advisory Committee – established.

There is hereby established the City of El Paso Animal Shelter Advisory Committee ("the ASAC"), in accordance with the requirements of Chapter 823, Texas Health and Safety Code, and successor statutes.

Section 3. That Section 7.28.020 (Membership), be added to the El Paso City Code to read as follows:

Section 7.28.020 Membership

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The ASAC shall consist of eighteen (18) regular members who shall meet the qualifications required by Section 823.005(b), Texas Health and Safety Code. Of these eighteen members, at least one shall be a licensed veterinarian, one shall be a County or City official, one shall be a person whose duties include the daily operation of an animal shelter, and one shall be a representative from an animal welfare organization. Each city council member shall each nominate the appointment of two members, with the appointments approved by the Council in accordance with the requirements of the City Charter.

Section 4. That Section 7.28.030 (Terms of office), be added to the El Paso City Code to read as follows:

Section 7.28.030 Terms of office

A. The terms of office for all members shall be two years and shall begin on the first day of February 2009.

B. Each term shall commence on the expiration date of the term of the immediate predecessor; provided, however, that appointments to vacancies occurring other than by expiration of a member's term of office (such as upon a member's death, resignation, or removal from the ASAC) shall be filled by appointment for the remainder of the unexpired term. The members of the ASAC shall not be subject to the term limitation provisions contained in Section 2.04.050 of the El Paso City Code.

C. A member may be removed with or without cause, or a member may automatically be removed and replaced upon the appointment of a new member to fill the remainder of the member's term.

D. So as to enable the ASAC to serve its statutory purposes, the members of the ASAC shall be not be subject to the holdover prohibition in Section 2.04.040 of the El Paso City Code. When the term of office of any member expires, the member shall continue to serve until his or her successor is appointed and qualified. Such hold-over until the successor is appointed and qualified does not change the starting date of the term to which the successor will be appointed.

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Section 5. That Section 7.28.040 (Meetings), be added to the El Paso City Code to read as follows:

Section 7.28.040 Meetings

A. The ASAC shall hold three meetings per calendar year, and additional special meetings when necessary for the performance of the statutory duties. The Chair or Vice-Chair may call these additional meetings for the purpose of addressing matters to which the ASAC is required by State law to attend to.

B. All meetings of the ASAC shall be open to the public. Notice of all meetings shall be made in conformity with the provisions of the Texas Open Meetings Act, Chapter 551, Texas Government Code, as from time to time it may be amended. The minutes of each meeting shall be kept and filed with the City Clerk, to include recording the attendance by the members and their votes upon each question, and shall be filed within a reasonable time after the minutes have been approved by the ASAC.

Section 6. That Section 7.28.050 (Quorum and procedures), be added to the El Paso City Code to read as follows:

Section 7.28.050 Quorum and procedures.

A. The ASAC shall select from among its members a Chair and a Vice-Chair, and may adopt rules and regulations for the governing of its own proceedings to carry out the purposes for which the ASAC was created, consistent with the State law and the Charter and Ordinances of the City. A quorum shall consist of a majority of the members.

B. The City shall provide staff support to the ASAC for the purpose of arranging and giving notice of the meetings, the preparation of minutes of each meeting, and the provision of other necessary support services. The City's Director of the Department of Public Health shall designate a City employee to serve as the Secretary. The Secretary shall have the right to attend meetings and speak on questions before the ASAC, but shall have no vote and shall not be counted for the purpose of making a quorum or determining the number of votes necessary to reach a decision on any question.

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Section 7. That Section 7.28.060 (Duties), be added to the El Paso City Code to read as follows:

Section 7.28.060 Duties.

A. The ASAC shall perform those duties specified in Chapter 823, Texas Health and Safety Code, and applicable state regulations, as from time to time may be amended.

B. In performing the statutory duties, the ASAC shall provide guidance and advice to all of the animal shelters located within the City of El Paso, and when authorized by an Interlocal Agreement, the County of El Paso or other municipalities located within the County of El Paso, regarding compliance by the shelters with the requirements of Chapter 823, Texas Health and Safety Code and applicable state regulations. By way of example, this may include facilitating the understanding of and compliance with the laws setting standards for housing and sanitation of animal shelters, training for animal control officers, annual veterinarian inspections of each shelter, the keeping of required records, and personnel training requirements.

C. The ASAC shall annually prepare and provide a written report to the City Council that provides information regarding the performance of the statutorily required duties by the ASAC.

Section 8. This ordinance shall become effective on February 1, 2009, provided however, the City Council may, in advance of the effective date, make appointments to the ASAC to be effective on February 1, 2009. Prior to beginning the appointment process, City staff will prepare a report with the names of the persons who are serving or who have most recently served on the joint ASAC created through the Interlocal Agreement with the County of El Paso, and include any available information regarding each person's willingness to serve on the ASAC beginning February 1, 2009.

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ADOPTED this 9th day of December 2008.

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Elaine S. Hengen
Senior Assistant City Attorney

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