

CITY OF EL PASO, TEXAS
ANIMAL SHELTER ADVISORY COMMITTEE
Bylaws

The El Paso Animal Shelter Advisory Committee (hereinafter referred to as Committee”) hereby adopts these Bylaws to govern their own proceedings and carry out the purposes for which the Committee was created, not inconsistent with the charter and ordinances of the City of El Paso (the “City”). These Bylaws shall be supplementary to the rules and regulations governing the Committee within Chapter 823 of the Texas Health & Safety Code, and successor statutes, and Chapter 7.28 (Animal Shelter Advisory Committee) of the El Paso Municipal Code, as may be amended by the El Paso City Council.

The purpose of the El Paso Animal Shelter Advisory Committee is to advise the Mayor and City Council on the following:

- Provide oversight of designated shelters with regards to their compliance with Texas Health & Safety Code Chapter 823;
- Provide guidance and advice to all of the animal shelters within the City of El Paso, and when authorized by an Interlocal Agreement, the County of El Paso or other municipalities regarding the requirements of Chapter 823, Texas Health and Safety Code and applicable state regulations;
- Provide a written report to the City Council that provides information regarding the performance of the statutorily and non-statutorily required duties of the Committee;
- Advise the Mayor and City Council of how to promote close cooperation between the City and all private citizens, organizations, institutions, and agencies interested in the rights and responsibilities of companion animal care, public health and oversight of companion animal issues and protection;

- Advise the City Council on the best practices in shelter management;
- Advise the City Council on current national trends in animal health and welfare;
- Research and advise City Council on proposed changes to the City's ordinances related to the Committee's duties;

ARTICLE I – Membership

1. The Committee shall consist of eleven regular members.
2. The members of the Committee shall be those members appointed by the Mayor and City Council. Of the eleven members, the Mayor must select three specialized members to include 1) a licensed veterinarian; 2) one county or municipal official, and 3) one person whose duties include the daily operation of an animal shelter. Each District Representative will appoint one candidate of their choice to fill the remaining seats on the Committee. All appointments must be approved by City Council in accordance with the requirements of the City Charter.
3. The term of office for members of the Committee shall be four years, except that appointments made to fill vacancies created during a term shall be for the remainder of the term. Upon an expiration of a full term, a member may be reappointed to serve a second full term, provided that membership on the Committee does not exceed two consecutive terms.
4. When the term of office of any member expires, the member shall continue to serve until his or her successor is appointed and qualified.

ARTICLE II – Attendance

1. A member who cannot attend a Committee meeting shall notify the Committee Secretary or Chair prior to the meeting, or as soon as practicable. Any reason provided to the Committee Secretary and/or Chair by a member regarding his/her absence shall not be disclosed to the membership unless authorized by the absent member.
2. The Committee Secretary shall inform the Chair when a member has failed to attend three consecutive meetings with or without an excuse; additionally, the Committee Secretary shall notify the Chair of any member with an annual attendance record of less than sixty

percent of the regular Committee meetings.

3. Any member who fails to attend three consecutive meetings or has an attendance record of less than sixty percent shall be disqualified from serving on any subcommittee for the remainder of the calendar year.
4. The Chair shall report any member who is absent from three consecutive meetings to the Mayor and City Council so that consideration may be given to removal of such member.
5. The Chair shall attach an attendance record to the Committee's annual report to the Mayor and City Council.

ARTICLE III – Resignation

A member who cannot complete his/her term is encouraged to contact their nominating District Representative and the Committee Secretary in writing to advise of his/her resignation.

ARTICLE IV- Secretary

The City employee designated by the City to support the Committee, shall serve as the Committee Secretary. The Secretary shall have the right to attend meetings and to speak on questions before the Committee, but shall not have a 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. In addition to the aforementioned duties, the Secretary shall perform the following duties:

1. Aid with scheduling;
2. Prepare minutes;
3. Provide notice to members; and
4. Provide other reasonable support services.

ARTICLE V – Officers

1. The officers of the Committee shall be the Chair and the Vice-Chair.
2. The officers shall be elected annually by a simple majority vote of the members present at the last regular meeting of the calendar year. Officers shall assume office and preside over the first regular Committee meeting in the proceeding calendar year.
3. The Chair shall preside at all meetings of the Committee, but if for any reason he or she is

absent or unable to act, then the Vice-Chair shall preside at such meetings and at such times shall exercise all of the powers and discharge the duties of the Chair. Upon the arrival of the Chair, the acting Chair shall immediately relinquish the chair upon the conclusion of the item of business then pending before the Committee.

4. The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Committee, shall state questions coming before the Committee as necessary for clarity, and shall announce the decision of the Committee on all subjects.
5. All questions of order shall be decided by the presiding officer with the right of appeal from his/her decision to the Committee that is then present, the majority of whom may override his/her decision.
6. In addition to the aforementioned duties, the Chair shall perform the following duties:
 - a. Develop and approve all Committee meeting agendas prior to required public posting;
 - b. Vote on all matters considered by the Committee;
 - c. Represent the Committee before the City Council, other boards, committees, as well as the general public; and may appoint any member to appear on his/her behalf;
 - d. Appoint all ad hoc subcommittees at the pleasure of the Committee;
 - e. Participate and vote as a member of any ad hoc subcommittee;
 - f. Draft an annual written report regarding the statutorily and non-statutorily required activities and recommendations of the ASAC.
 - i. ASAC Committee members may make content recommendations for the Chair's report by submitting their proposed contributions to the Chair in writing no later than the month of December.
 - ii. The annual written report shall be provided to the Secretary for dissemination no later than the posting deadline for the February ASAC meeting.
 - iii. The Committee will vote to approve the Chair's report as to content no later than the February ASAC Committee meeting. The report will be deemed approved upon a simple majority vote of the Committee, present and voting.
 - iv. Thereafter, the Chair shall provide the annual written report to the Mayor and City Council in the month of March;

- g. Report a member of the Committee who has been absent from three consecutive meetings of the Committee to the Mayor and City Council; and
- h. Report a member of the Committee who has failed to abide by the Committee's guidelines of decorum to the Mayor and City Council.

ARTICLE VI – Meetings

1. Regular Committee meetings shall be held monthly at a designated location and time voted on by the membership. In no event shall the Committee hold less than three meetings per calendar year.
2. Special meetings may be held at any time provided that seventy-two hour notice is posted pursuant to Chapter 551 of the Texas Open Meetings Act, as may be amended, and written or verbal communication to all Committee members is sent on or before five days of the scheduled meeting called by the Chair and in coordination with staff liaisons. Special meetings of the Committee may be held without five days' notice, except as otherwise required by law, provided each member waives notice thereof.
3. The Committee hereby adopts the current edition of Roberts' Rules of Order as its rules of procedure that will govern the business proceedings of the Committee whenever they are not in conflict with the provisions of any ordinances establishing this Committee or the provisions of these Bylaws. All questions on matters of procedure shall be referred to the City Attorney or his/her designee.

ARTICLE VII- Order of Business

1. The Agenda will, when possible, allow for public comment early on in the meeting.
2. A maximum of thirty minutes will be allotted for a public comment portion of each regular Committee meeting. Members of the public wishing to provide comment on items not already posted on the Agenda during the public comment portion of the Committee agenda must sign up prior to the start of the Committee meeting. The Secretary shall make available the sign-in sheet for the public inside of the meeting location prior to the start of the meeting. Any person signing up to provide comment during the public comment portion of the agenda must provide their name, address and a short description of the topic(s) of their comment.
3. The Chair may illicit questions from the public regarding each item posted to the Agenda.

4. Members of the public seeking to provide public comment will be granted three minutes to speak. Time will be kept by the Committee Secretary. Members of the Committee may move to grant additional time to speakers. Such extended time will be determined by a simple majority vote of the Committee, present and voting. Members of the Committee may engage the speaker providing public comment on items posted on the Agenda; time spent responding to a Member of the Committee shall not count towards a speaker's allocated time to speak.
5. Each topic not already posted on the Agenda brought forward during public comment will be for comment from the speaker and may not be deliberated by the members of Committee nor rebutted or debated by members of the public. Any member of the Committee may propose that the topic commented on be posted by the Secretary on a future Committee meeting agenda for the Committee's discussion and action.
6. If the allotted thirty minutes for the public comment portion of the agenda has not been completely utilized by the persons who signed up, then the Committee shall proceed with the remaining the agenda.

ARTICLE VIII – Quorum

A quorum of the Committee shall consist of six members and shall be required to take action on any agenda item. A quorum shall not be required to convene, recess or adjourn any regular or special meeting. The minutes of the Committee shall reflect the names of the members and the names of the City staff members present at the meetings.

ARTICLE IX – Records

A written record of all meetings shall be kept and be made available to the public. All reports will record committee attendance, discussion and action on agenda topics, ad hoc-sub-committee(s), and special reports and public discussion.

ARTICLE X – Subcommittees

1. The Committee may establish subcommittees of the membership for the purpose of providing initial or in-depth analysis on matters relating to the duties assigned to the Committee. Each subcommittee shall have a stated purpose and expected outcome.
2. Each subcommittee shall not consist of more than five members of the Committee.

3. Each subcommittee shall have a designated Chair; only current Committee members may serve as a subcommittee's Chair.

ARTICLE XI – Voting

1. Generally

- A. A majority of votes cast by those members present and voting, a quorum being present, shall carry all motions, except as elsewhere specified in these Bylaws or in state law.
- B. When discussion on an agenda item is commenced, no member shall leave the meeting area including any ante-room(s) attached to the meeting area until the vote is disclosed.
- C. A member may change his/her vote after the roll has been completed and before announcement of the result, but not thereafter unless the item has been reconsidered.
- D. In cases where a unanimous vote of the Committee is not received on a question before the Committee, the Secretary or designee shall take a verbal poll of the members to appropriately record the vote and announce the decision.
- E. Each member, to include the Chair, shall be entitled to one vote on any matter that may come before the Committee.

2. Reconsideration of items

- A. The Committee shall be authorized to reconsider any item prior to the expiration of the meeting at which the item was heard and decided on. A motion to reconsider prior to the expiration of such meeting may be made by any member who voted on the prevailing side of the agenda item.
- B. A motion to reconsider is the exclusive method by which an item can again be brought before the Committee after the meeting at which a final vote was taken except as provided for in subsection D below. A motion to reconsider may be made by any member who voted on the prevailing side of the agenda item.
- C. Reconsideration of items after expiration of the meeting where a vote deciding the item was taken is only available within 60 days following the Committee meeting at which a final vote was taken, unless requested by another recommending body

in order to avoid conflict between recommendations to be forwarded to Council, and shall additionally comply with all of the following:

- i. An item may not be reconsidered twice, except by unanimous consent of the committee.
 - ii. A motion to reconsider must be on the agenda that is publicly posted.
 - iii. In instances where state law does not allow the decision rendered to be changed, it may not be reconsidered by the Committee.
- D. An item may be brought before the Committee again at any time at the request of the Chair when necessary to cure a defect or to cure any other similar defect that could render a matter invalid by law.
- E. Validation: No decision of the Committee otherwise valid pursuant to state law and the laws of the City of El Paso, Texas shall be invalidated by failure to comply with these Bylaws.

ARTICLE XII – Ethics

1. Any member of the Committee who has a professional or financial interest in any specific matter presented before the Committee shall recuse himself/herself from the deliberation during that presentation and shall not participate in action taken on that specific matter.
2. Any member of the Committee who has a substantial interest in a matter before the Committee as defined by Section 171.002 of the Texas Local Government Code shall file a written statement so stating with the Committee Secretary as before a vote on the matter is taken as is required by Section 171.004 of the Texas Local Government Code. Such member shall additionally leave the room for discussion and action on the item in question.
3. All actions taken by the Committee shall be in accordance with the El Paso Ethics Ordinance.
4. When a Committee Member is called upon to voice opinions at public or private functions, he/she shall indicate that he/she is speaking for himself/herself and not representing the Committee unless a formal action by the Committee has been taken on the specific issue.

ARTICLE XIII – Amendments

The Committee, by a majority decision of its voting members, may make, alter, or rescind

these Bylaws at any regular meeting, after thirty days written notice to the voting membership.

ARTICLE XIV – Decorum and debate

1. No person shall interrupt the proceedings of the Committee.
2. When a member desires to speak or make a motion, he/she shall address himself/herself through the Chair. Upon being recognized by the Chair, he/she may address the membership.
3. When more than one member addresses the Chair, the Chair shall name the person who is to speak, recognizing the person who first addressed the Chair.
4. No member shall interrupt another, except to call to order or to correct a mistake.
5. Orderly procedure requires that each person shall proceed without interruption from the audience, that all arguments shall be addressed to the Committee, and that there be no questioning or arguing between individuals.
6. Members of the public may be asked to leave or be removed from the meeting if it is determined that they are disruptive to the meeting. Such determination will be made by the presiding officer. The Committee may move to overrule such determination by the presiding officer subject to a simple majority vote of the Committee, present and voting.
7. The Chair may contact the Mayor and City Council to recommend the removal of a Committee member on the basis of poor behavior, indecency, foul language, hostility, harassment, etc.

ADOPTED BY THE ANIMAL SHELTER ADVISORY COMMITTEE, AT A MEETING OF ITS MEMBERS ON THIS 21 DAY OF March, 2019.

ATTEST:



Ken Margherio, ASAC Chair



Maribel Karisch, ASAC Executive Secretary