

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Environmental Services Department

AGENDA DATE: Introduction Date February 28, 2012
Public Hearing Date March 6, 2012

CONTACT PERSON NAME AND PHONE NUMBER: Ellen A. Smyth, P.E., Director (915) 621-6719

DISTRICT(S) AFFECTED: All Districts

SUBJECT:

An Ordinance amending Title 7 (Animals), by amending Chapter 7.28 (Animal Shelter Advisory Committee) in its entirety; to combine the Animal Shelter Advisory Committee with the Animal Welfare Advisory Committee and to establish term limits; and to delete Chapter 7.30 of the City Code. (All Districts)

BACKGROUND / DISCUSSION:

Combining Animal Shelter Advisory Committee with Animal Welfare Advisory Committee to create one advisory committee. The two committees' last three meetings have been combined meetings. Both committees are in an agreement in combining the two committees.

PRIOR COUNCIL ACTION:

No prior Council Action.

AMOUNT AND SOURCE OF FUNDING:

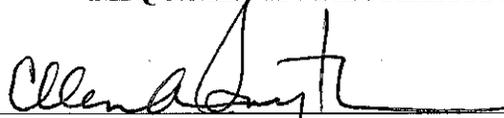
N/A

BOARD / COMMISSION ACTION:

Animal Shelter Advisory Committee (ASAC) and Animal Welfare Advisory Committee (AWAC) have requested that the two committees be merged back on December 14, 2011.

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



Ellen A. Smyth, P.E., Director
Environmental Services

Information copy to appropriate Deputy City Manager

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 7 (ANIMALS), BY AMENDING CHAPTER 7.28 (ANIMAL SHELTER ADVISORY COMMITTEE) IN ITS ENTIRETY; TO COMBINE THE ANIMAL SHELTER ADVISORY COMMITTEE WITH THE ANIMAL WELFARE ADVISORY COMMITTEE AND TO ESTABLISH TERM LIMITS; AND TO DELETE CHAPTER 7.30 OF THE CITY CODE

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, having previously established a separate advisory board regarding animal welfare issues, the City Council now wishes to combine the functions of the current Animal Shelter Advisory Committee and the Animal Welfare Advisory Committee, and shall amend Chapter 7.28 of the City Code in its entirety and delete Chapter 7.30 of the City Code in order to combine the two referenced advisory bodies into a new Animal Shelter Advisory Committee.

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 amended as follows.

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

Section 7.28.020 Membership

- A. The ASAC shall consist of nineteen (19) regular members who are the regular members who were actually serving on the Animal Shelter Advisory Committee and the Animal Welfare Advisory Committee on the effective date of this ordinance. Of

these nineteen (19) 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.

- B. The Mayor shall nominate the appointment of three members, who shall be the County or City official, the licensed veterinarian and the representative from an animal welfare organization. Each City Council member shall nominate the appointment of two members. All of the appointments must be approved by the Council in accordance with the requirements of the City Charter.

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

Section 7.28.030 Terms of office

- A. Members shall be appointed for a four-year period, except that appointments made to fill vacancies created during a term shall be for the remainder of the term. The term of office for each below designated appointee shall commence upon the execution of the present ordinance and shall expire on the fourth Monday in June of the year indicated on the below chart. Thereafter, the term of office shall commence on the fourth Tuesday of the year indicated on the below chart and shall end on the fourth Monday in June for each four year period thereafter unless the member is removed from the ASAC in accordance with this ordinance.

Mayor's appointee	2013
District 1 appointee	2015
District 2 appointee	2013
District 3 appointee	2013
District 4 appointee	2013
District 5 appointee	2015
District 6 appointee	2015
District 7 appointee	2013
District 8 appointee	2015

- B. The members of the ASAC shall 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, and shall be subject to the provisions of Section 2.04.010 of the El Paso City Code.
- D. So as to enable the ASAC to serve its statutory purposes, the members of the ASAC shall 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.

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

Section 7.28.040 Meetings

- A. The ASAC shall hold one meeting per quarter. In no event shall the ASAC hold less than three meetings per calendar year. Additional special meetings may be held when necessary for the performance of the duties set forth by state statute or city code. 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 and City ordinance 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 amended in 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 ten members.

- B. The City shall provide support to the ASAC for the purpose of scheduling and giving notice of the meetings, the preparation of minutes of each meeting, and the provision of other reasonable support services. The City's Director of the Department of Environmental Services 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.

Section 7. That Section 7.28.060 (Duties), be amended in 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.
- D. In addition to the statutory duties described herein, the ASAC shall act as an advisory committee to the Mayor and City Council in efforts to promote close cooperation between the city and all private citizens, organizations, institutions and agencies interested in the rights and responsibilities of companion animal ownership,

companion animal care and public health, and oversight of companion animal issues and protection. The committee may advise the City Council on proposed changes to the City's ordinances related to the ASAC duties. The ASAC shall perform such other duties as may be requested from time to time by the City Council, with the goal of increasing public awareness and addressing the needs and welfare of animals.

- E. The committee may annually prepare and provide a written report to the City Council that provides information regarding the non-statutorily required activities and recommendations of the committee.

Section 8. This ordinance shall become effective on March 6, 2012. Prior to March 6, 2012, City staff will prepare a report with the names of the persons who are serving or who have most recently served on the current Animal Shelter Advisory Committee and the Animal Welfare Advisory Committee, and include any available information regarding each person's willingness to serve on the ASAC beginning March 6, 2012.

Section 9. Chapter 7.30 (Animal Welfare Advisory Committee) is hereby deleted from the El Paso City Code.

Section 10. Except as herein amended, Title 7 (Animals) of the El Paso City Code shall remain in full force and effect.

ADOPTED this 6th day of March, 2012.

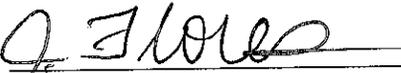
CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Josette Flores
Assistant City Attorney

APPROVED AS TO CONTENT:



Ellen A. Smyth, P.E., Director
Department of Environmental Services

ORDINANCE NO. _____

PL Matter #11-1005-153; PL Doc #92525 v5 -ASAC-AWAC Combo ORD
Document Author: JF