



**Animal Shelter Advisory Committee
10/19/2017**

Notice is hereby given of a regular meeting of the Animal Shelter Advisory Committee of the City of San Angelo to be held on October 19, 2017 at 12:00 PM at City Hall – East Mezzanine, 72 West College Avenue, San Angelo, Texas, for the purpose of considering the following agenda items.

1. **Call to Order**
2. **Work Session Agenda**
 - a. Training and overview of the animal shelter advisory committee function including but not limited to how it relates to enforcing state law and regulations - (Presentation by Theresa James)
3. **Adjournment**

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of San Angelo, Texas, on the 16th day of October 2017, at 10:30 a.m.

Morgan Chegwiddden,
Asst. Director Neighborhood & Family Services

All agenda items are subject to action. The Animal Shelter Advisory Committee reserves the right to consider business out of posted order.

In compliance with the Americans with Disabilities Act, the City of San Angelo will provide for reasonable accommodations for persons attending board or commission meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please contact the Assistant Director Neighborhood & Family Services at 325-657-4225.

In an effort to provide our viewing public with information on the various City Boards and Commissions. This meeting will be recorded and broadcasted on Local Government Channel 17 at 8:00 a.m. on Fridays. For a schedule of all broadcasts, contact the Public Information Office at 481-2727 or visit our website at www.cosatx.us.



Animal Services Advisory Board

October 19, 2017



Topics

- Statutory Authority
- Relevant Regulations
- Code of Ordinances
- Bylaws
- Open Meetings Requirements



Legal Authorization – Health and Safety Code §823.005

- Requires appointment of an advisory committee to assist in meeting statutory requirements (disease control, shelter)(Chapters 826 and 829)
- Must be composed of at least one licensed veterinarian, one county or municipal official, one person from the animal shelter, and one person from an animal welfare organization.
- The advisory committee shall meet at least three times a year.



Texas Health and Safety Code Shelter Standards

- Section 826.051 sets minimum standards for facilities by requiring commissioner to adopt rules
- Class C misdemeanor to fail to meet the standards
- Adoption program is not a requirement of the statutes or the rules. The primary purpose of the shelter and board is health and safety.



Texas Administrative Code Chapter 169

Rabies Control and Eradication

- Requires monthly reporting of rabies and bites
- Delineates shelter requirements.
 - Structurally sound
 - Potable water
 - Storage of food and bedding to protect against contamination and infestation
 - Waste must be removed



Texas Administrative Code Chapter 169

Rabies Control and Eradication

- Shelter requirements continued.
 - Washrooms and sinks for employees
 - Trained manager
 - Records on each animal including description, impoundment date, disposition date, and method of disposition.
 - Heating and cooled facility
 - Ample light to clean but not excessive lighting



Texas Administrative Code Chapter 169

Rabies Control and Eradication

- Shelter requirements continued.
 - Primary enclosures shall be
 - Structurally sound
 - Have convenient access to food and water
 - Allow animal to remain clean and dry
 - Readily sanitized
 - Protect feet and allow animal to sit, stand, lie down and turn fully.



Texas Health and Safety Code

Chapter 829

- Requires training of every person who is employed, appointed, or engaged to primarily enforce laws relating to animal control
- Complete basic animal control course not later than first anniversary of date they assume duties.
- 30 hours training every three years



Texas Health and Safety Code

Chapter 829

- Training topics include
 - State laws governing animal control and animal cruelty
 - Health and disease recognition, control and prevention
 - Humane care and treatment
 - Standards for care and control
 - Standards and procedures for transport



Texas Health and Safety Code

Chapter 829

- Training topic continued.
 - Principles and procedures for capturing and handling animals, including use of instruments that deter bites
 - First aid for injured animals
 - How to document animal cruelty and courtroom procedures
 - Shelter operations and administration
 - Spaying, neutering, microchipping, and adoption



Texas Health and Safety Code

Chapter 829

- Topics continued.
 - Communications and public relations
 - State and federal laws for possession of controlled substances
- Basic course is 12 hour course.



San Angelo Code of Ordinances

- Article 2.07, Division 18 of the San Angelo Code of Ordinances creates the animal services board.
- Purpose – to assist the animal services manager in meeting compliance with the requirements of Chapter 823 of the Texas Health and Safety Code.
- Creates the board and designates positions and who appoints them.



San Angelo Code of Ordinances

- Members can only be removed by council for good cause. Requires a finding at a public meeting.
- Must have three meetings per year.
- Meetings must comply with Texas Open Meetings Act.
- Quorum is simple majority of appointed members.



Bylaws

- Purpose is to advise members of City Council and animal shelter staff on matters outlined in Texas Health and Safety Code, Chapter 823.
- Requires members to visit and volunteer at the shelter on a monthly basis.
- Provides that the board considers absences for cause and three or more unexcused may be presented to Council for removal.



Bylaws

- Provides failure to meet the volunteer requirements constitutes cause for removal.
- Meeting will be third Thursday of the month unless there is no business.
- Neighborhood and Family Services Director or designee shall act as liaison between the board and city staff.
- Chairperson can appoint subcommittees.



Texas Open Meetings Act

- General Rule is every regular, special or called meeting must be open to the public and comply with requirements of the Act. Cannot convene a meeting without quorum.
- Because you are an advisory board, you do not have the ability under the Act to go into closed “executive” session.
- Meetings require proper posting 72 hours before the meeting.



Texas Open Meetings Act

- Violations of the act can result in fines and/or incarceration.
- Four ways to violate the act are:
 1. Knowingly conspiring to circumvent the Act by meeting in numbers less than quorum.
 2. Calling or participating in a closed meeting.
 - 3 and 4 deal with executive session.



Texas Open Meetings Act

- Can be convicted even if you are unaware the meeting is illegal.
- If you have questions ask for a legal opinion. We will give you one in writing as is required for the affirmative defense against prosecution.



Beware of these issues

- **Subcommittees**

A meeting occurs anytime a quorum is present. Be careful about subcommittee meetings.

- Remember quorum for this board is simple majority of appointed members, so it could change depending on membership.



Beware of these issues

- **Location of meetings**
 - Must be accessible to the public
 - Must be large enough space to accommodate the public
 - Preference is to record the meetings because of the public interest in the activities of this board.



Beware of these issues

- Social Media
 - The quorum provision of the act can be met if board members are discussing upcoming board matters on social media.
 - Avoid engaging in discussions on social media on issues that are coming before you as a board. You will have your opportunity to comment.



Beware of these issues

- **Public comment**
 - The Act does not entitle members to speak at open meetings.
 - As an advisory board there are no statutory public comment requirements as there is no final authority on issues such as ordinances.
 - If public comment is allowed, reasonable rules are appropriate.



Beware of these issues

- **Public comment continued**
 - Reasonable rules can include:
 - Number of speakers
 - Time limit on speakers or public comment portion of the meeting
 - Can limit or exclude presentations



Beware of these issues

- **Questions during public comment**
 - Public comment should be seen as an opportunity for the public to express their opinions. It is not a time to interrogate staff or the board.
 - If questions are asked about issues not on the agenda the only response should be a statement of fact on the issue; a statement of policy on the issue; or a proposal to place the issue on agenda.



Beware of these issues

- Questions during public comment
 - If a question is directed towards staff the chair should request that comments be directed to the board and not the staff.
 - If a question or comment raises a question for staff, it is appropriate for a member of the board to ask.



Conflicts of interest

- Whether a board member has a conflict is the board member's to decide.
- Should avoid discussions and voting on issues where you might have financial gain.
- Conflicts do not exclude you from participating on the board.



Questions?

