

SUBJECT: FORMATION OF AN ANIMAL CONTROL COMMISSION

SOURCE: City Manager

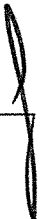
COMMENT: At its meeting on October 15, 2013, the City Council gave approval for staff to begin initiating the formation of a citizens advisory committee for the oversight of Animal Control facilities and operations. As staff reviewed the structure of forming such an advisory body, there were different types of organization, as well as purpose and scope, which other community governing bodies had adopted for their advisory boards. Similar to the City of Porterville's Commissions that currently advise the City Council and Departments on various functions (Library & Literacy, Parks & Leisure Services, etc), the prevailing structure of citizens advisory bodies for Animal Control programs are as a Commission, adopted by Ordinance. In terms of purpose and scope, most Animal Control advisory bodies are limited to oversight of their individual communities Animal Control program operations.

For the City Council's consideration, staff has prepared a draft Ordinance in the formation of an Animal Control Commission. Contained in the draft, there are several subjects for the City Council's consideration in the formation of the Commission. In regards to the Commission's composition, number of members, method of appointment, City residency, term of office, and attendance requirements vary greatly among agencies.

RECOMMENDATION: That the City Council consider the draft Ordinance, and provide any further direction as appropriate.

- ATTACHMENTS: 1. City of Berkeley – Animal Care Commission
 2. County of Kern – Animal Control Commission
 3. County of Santa Clara – Animal Advisory Commission

C/M



Item No. 33

ORDINANCE NO. _____
AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE ADDING CHAPTER 5B
OF THE PORTERVILLE MUNICIPAL CODE REGARDING
THE FORMATION OF AN ANIMAL CONTROL COMMISSION

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS
FOLLOWS:

**CHAPTER 5B
ARTICLE I**

Section 5B-1 Established.

An Animal Control Commission is established in and for the City of Porterville. The Animal Control Commission shall serve in an advisory capacity to the City Council.

Section 5B-2 Composition.

The Animal Control Commission shall consist of seven (7) members, who shall be residents of the city of Porterville. Commissioners shall be appointed by the City Council at its complete discretion by a majority vote. Members of the Commission shall be representative of a cross-section of the community and shall be limited to persons interested in animal welfare.

Section 5B-3 Compensation.

Members of the Animal Control Commission shall serve without compensation.

Section 5B-4 Term of Office/Removal.

The term of office shall be four (4) years with terms staggered to prevent concurrent expiration of terms. All Commission members shall serve at the pleasure of the City Council and may be removed by a majority vote of the City Council at any time and for any reason.

Section 5B-5 Vacancies.

Vacancies, occurring otherwise than by expiration of the terms, shall be filled by appointment by the City Council as soon as possible; such appointee is to serve for the unexpired term of the vacant office.

Section 5B-6 Appointment of Chairperson and Vice Chairperson.

The Animal Control Commission shall appoint one of its members Chairperson, and one of them Vice Chairperson.

Section 5B-7 Term of Officers.

The officers thus appointed shall serve one (1) year, until their successors in office have been appointed by the Animal Control Commission.

Section 5B-8 Meetings and Records.

The Animal Control Commission shall hold meetings regularly as determined by the Commission and shall designate the time and place thereof. The Commission may hold as many meetings as determined necessary for the performance of the duties prescribed in this chapter. The meetings shall be held in compliance with the Brown Act and all applicable laws, and the meetings and records of attendance shall be public. The Commission shall adopt its own rules of procedure and keep a record of its proceedings. A record of attendance shall be kept regularly and reported to the City Council at least once per year. Members are expected to have at least 75% attendance based upon the Commission's regular meeting schedule (e.g. 9 out of 12 meetings if held monthly, and 3 out of 4 if held quarterly). Members who fail to meet the attendance requirement automatically vacate their seat and the vacancies shall be filled per Section 5B-5.

Section 5B-9 Quorum.

Four (4) members shall constitute a quorum for the transaction of business.

Section 5B-10 General Powers and Duties of Commission.

The Animal Control Commission shall:

- A. Advise the City Council and staff on any matters concerning animal control and shelter programs;
- B. Make recommendations to the City Council and staff concerning regulations affecting animals and the care, control, and treatment of animals;
- C. Make recommendations to the City Council and staff to strengthen the City's animal control and shelter programs;
- D. Engage in a long-term planning process through which it identifies major priorities and provides recommendations for the City Council for policies and procedures on animal control and shelter program operations;
- E. Promote public awareness of the goals and operations of the animal shelters and to enhance community relations with respect to animal control program operations;
- F. To advise and assist the City Council and staff in conducting public education and outreach programs to city residents regarding animal owner responsibility for licensing, spaying and neutering, and proper care of animals;
- G. To review and recommend proactive enforcement programs that will result in reducing cases of animal overpopulation, neglect, abuse, and public nuisance;
- H. To review and provide recommendations to the City Council and staff on all proposed amendments to Chapter 5—Animal Control;
- I. Serve as a sounding board for staff to review their plans and ideas; and
- J. Act on any matters referred by the City Council or staff in accordance with the instructions provided with the said referrals.

Section 1. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on

any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, or that end, the provisions hereof are severable.

Section 2. *Effective Date.* This Ordinance shall take effect thirty days after adoption as provided by Porterville Charter Section 12.

Section 3. *Certification.* The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

PASSED, APPROVED AND ADOPTED, this _____

Cameron J. Hamilton, Mayor

ATTEST:

John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk

BERKELEY ANIMAL CARE COMMISSION*

Sections:

- 3.08.010** **Established--Number of members.**
- 3.08.020** **Membership--Appointment criteria and financial interest restrictions.**
- 3.08.030** **Repealed by Ord. 7027-NS**
- 3.08.040** **Liaison representatives to other City entities--Functions.**
- 3.08.050** **Organization, meetings, rules and procedures.**
- 3.08.060** **Functions.**

*For animal regulations generally, see Title 10 of this code.

Section 3.08.010 **Established--Number of members.**

A Berkeley Animal Care Commission is established. The commission shall consist of nine members, each of whom shall be appointed by individual members of the City Council. (Ord. 7164-NS § 2, 2011: Ord. 4804-NS § 1 (part), 1975: Ord. 4570-NS § 1, 1972)

Section 3.08.020 **Membership--Appointment criteria and financial interest restrictions.**

The members of the commission shall be appointed in accordance with the "Fair Representation Ordinance," and shall be persons who have demonstrated their compassion for animals.

No member shall have any financial interest, employment, or policy determining position in any profit making animal care facility, research center, or any profit making organization that deals in the sale of animals for any purpose. (Ord. 5690-NS § 1, 1985: Ord. 4804-NS § 1 (part), 1975: Ord. 4570-NS § 2, 1972)

Section 3.08.040 **Liaison representatives to other City entities--Functions.**

Subject to the approval of the council in each case, the commission may designate one of its members to act as a liaison representative to any other board, commission or committee of the City. The functions of such liaison representatives are:

- A. To attend meetings of such other board, commission or committee;
- B. Advise this commission of the background, attitudes and reasons behind the actions of such other board, commission or committee; and
- C. On request of any member of such other board, commission or committee, to advise such other board, commission or committee of policy, procedures and decisions of this commission that may bear upon matters under discussion by such other board, commission or committee. Such liaison representative shall have no power to vote. (Ord. 4570-NS § 8, 1972)

Section 3.08.050 **Organization, meetings, rules and procedures.**

A. The commission shall elect one of its members president and one of its members vice-president, who shall hold office for one year and until their successors are elected unless their terms as members of the commission expire sooner. The president and vice-president shall be elected at the first meeting of the commission after February 1st of each year.

B. An officer or employee of the City designated by the City Manager shall serve as secretary of the commission.

C. The commission shall establish a regular place and time for meeting. All meetings shall be noticed as required by law and shall be scheduled in a way to allow for maximum input from the public. The frequency of meetings shall be as determined by City Council resolution. The scheduling of special meetings in addition to those established by City Council resolution, except special meetings that take the place of cancelled regular meetings, shall be subject to approval by the City Council. A request for a special meeting shall include the reason for the proposed meeting and should be expedited on the City Council's agenda, or in the alternative, placed before the Agenda Committee for approval.

Chapter 3.08

D. The commission may make and alter rules governing its organization and procedures which are not inconsistent with this chapter or any other applicable ordinance of the City.

E. A majority of the members appointed to the commission shall constitute a quorum and the affirmative vote of a majority of the members appointed is required to take any action.

F. The commission shall keep an accurate record of its proceedings and transactions and shall submit an annual report to the City Council with a copy to the City Manager. (Ord. 6889-NS § 1, 2006: Ord. 6019-NS § 1, 1990: Ord. 5365-NS § 1, 1981: Ord. 4804-NS § 1 (part), 1975: Ord. 4570-NS § 9, 1972)

Section 3.08.060 Functions.

The functions of the commission shall be as follows:

A. To oversee the treatment of animals in all shelters established within the City;

B. To make recommendations to the City Council concerning regulations affecting animals and the care, treatment and control of animals. (Ord. 4570-NS § 10, 1972)

Kern County, California, Code of Ordinances >> Title 2 - ADMINISTRATION >> Chapter 2.150 ANIMAL CONTROL COMMISSION >>

Chapter 2.150 ANIMAL CONTROL COMMISSION

Sections:

2.150.010 Members.

2.150.020 Responsibilities.

2.150.030 Administration.

2.150.040 Personnel.

2.150.050 Reimbursement of travel expenses.

2.150.010 Members.

There is an animal control commission in the county. The commission shall be composed of five (5) members who shall be appointed by the board of supervisors of the county. Each member appointed shall serve in office for a term of four (4) years to run concurrent with the term of the supervisor who makes his nomination, except that the first appointment nominated by the supervisors from the second and the third supervisorial districts shall each serve for a one (1) year term, and the first appointment nominated by the supervisors from the first, fourth and fifth supervisorial districts shall each serve for a three (3) year term, and thereafter nominees from all districts shall serve for four (4) year terms. Appointees filling vacancies shall serve the unexpired portion of the term of their predecessors. These members shall be the voting members of the commission. A member of the board of supervisors, as designated by the board, shall be a nonvoting member of the commission and his term shall correspond to his official tenure. The board shall also designate from the board of supervisors an alternate nonvoting member to act as a member in the absence of the first nonvoting member named. The board of supervisors may remove any member of the commission from office at any time upon majority vote of the board.

(Ord. G-7335 § 2 (part), 2006)

2.150.020 Responsibilities.

- A. It shall be the responsibility of the commission:
1. To engage in a long-term planning process through which it identifies major issues and establishes recommendations for the board of supervisors for policies and procedures on animal control program operations;
 2. To promote public awareness of the goals and operations of the animal shelters and to enhance public confidence and improve community relations with respect to animal control program operations;
 3. To investigate and provide advisory recommendations to the board of supervisors on all proposed amendments to Chapter 7.08—Animal Control Regulations of the Kern County Ordinance Code;
 4. To review and investigate citizen complaints regarding animal control program operations and, if appropriate, provide advisory recommendations to the board of supervisors concerning matters brought to its attention by members of the public;

5. To serve as the administrative review board for consideration of appeals to the revocation of permits under Section 7.08.040 and the waiver of dog license fees under Section 7.08.040 (A)(1) of the Kern County Ordinance Code;
 6. To advise and assist the board of supervisors in conducting public education and outreach programs to Kern County residents regarding animal owner responsibility for licensing, spaying and neutering, and proper care of animals; and
 7. To review and recommend proactive enforcement programs that will result in reducing cases of animal overpopulation, neglect, abuse, and public nuisance.
- B. The commission shall hold at least one public meeting for the purpose of receiving evidence and public comments on the matters assigned to it.
- C. The commission shall act on any matters referred by the board of supervisors or the director in accordance with the instructions provided with said referrals.

(Ord. G-7354 §§ 2, 3, 2006; Ord. G-7335 § 2 (part), 2006)

(Ord. No. 8263, § 2, 3-12-12)

2.150.030 Administration.

At the first meeting of the commission each year one (1) of its voting members shall be elected chairman and one (1) of its voting members shall be elected vice chairman. The commission may hold as many meetings as determined necessary for the performance of the duties prescribed in this chapter. Three (3) voting members shall constitute a quorum for the transaction of business at commission meetings. A voting member's absence from three consecutive meetings shall constitute a resignation from the commission unless the chairman has excused the member from attendance for a good and sufficient reason. The members of the animal control commission shall also adopt such rules as they deem necessary and proper to conduct the business of the animal control commission, subject to approval by the board of supervisors.

(Ord. G-7335 § 2 (part), 2006)

2.150.040 Personnel.

The director of the animal control division shall furnish the animal control commission with such clerical, administrative and other personnel deemed necessary in order to perform the duties of the animal control commission. The animal control director or his designated representative shall attend the meetings of the animal control commission in the capacity of administrative advisor and secretary of the commission.

(Ord. G-7335 § 2 (part), 2006)

2.150.050 Reimbursement of travel expenses.

Members of the animal control commission shall be reimbursed for expenses actually and necessarily incurred while traveling on the business of the commission. Such travel expenses shall include the cost of transportation, meals, lodging, and other incidental items, and transportation by private automobile pursuant to the rates and per diem expenses allowed county offices and employees on similar business.

(Ord. G-7335 § 2 (part), 2006)

Santa Clara County, California, Code of Ordinances >> TITLE B - REGULATIONS >> Division B31 - ANIMALS AND FOWL >> CHAPTER IX. ANIMAL ADVISORY COMMISSION >>

CHAPTER IX. ANIMAL ADVISORY COMMISSION 

Sec. B31-110. Establishment; function.

Sec. B31-111. Membership.

Sec. B31-112. Organization.

Sec. B31-113. Secretary.

Sec. B31-114. Powers and duties.

Sec. B31-110. Establishment; function. 

There is hereby established a Santa Clara County Animal Advisory Commission. The Commission shall act in an advisory capacity to the Board of Supervisors on all matters specified in Section B31-114.

(Ord. No. NS-300.745, § 1, 5-2-06)

Sec. B31-111. Membership. 


- (a) The Commission shall consist of seven members appointed by the Board of Supervisors. Five members shall be appointed, one (1) each, by individual Supervisors and shall be allocated to each supervisorial district. The remaining two members shall be appointed, one each, by individual Supervisors on a rotating basis. The rotational sequence for making these two appointments shall be determined by the Board of Supervisors and thereafter shall continue as so designated.
- (b) The composition of the Commission shall be representative of a cross-section of the community and shall be limited to persons interested in animal welfare. It shall include one official representative nominated by the Santa Clara Valley Veterinary Medical Association, and one official representative selected by the Board of Supervisors from nominations received from nonprofit, public benefit humane organizations located in Santa Clara County unless no official representatives are nominated by these organizations. Each member shall have a term of three years, and no member shall serve for more than three consecutive terms, plus any unexpired term. Of the first members, two shall serve for two years and two shall serve for one year to establish staggered terms of the membership. At the first meeting, members shall draw lots to determine the term of their membership.
- (c) A vacancy shall exist and shall be reported to the Board of Supervisors whenever a member fails to attend more than three consecutive regular meetings of the Commission without good cause entered in the minutes of the commission meeting.

(Ord. No. NS-300.745, § 1, 5-2-06; Ord. No. NS-300.753, 12-12-06)

Sec. B31-112. Organization. 

The Commission shall organize itself in accordance with Section 506 of the Chapter. It shall prepare rules, regulations and bylaws for the conduct of its meetings. Said rules, regulations, bylaws and amendments thereto shall be first approved by the Board of Supervisors.

(Ord. No. NS-300.745, § 1, 5-2-06)

Sec. B31-113. Secretary. 

The Director of Agriculture and Environmental Management or designee shall be ex officio secretary of the Commission and shall provide secretarial assistance to the Commission.

(Ord. No. NS-300.745, § 1, 5-2-06; Ord. No. NS-300.817, 4-13-10)

Sec. B31-114. Powers and duties. 

The powers and duties of the Commission shall be as follows:

- (a) To aid in coordinating and promoting pet population control measures;
- (b) To work with the County Office of Education on curriculum for humane education and responsible pet ownership/guardianship in the schools as required by California state law;
- (c) To investigate and find alternative ways of achieving an animal shelter at minimum cost to the taxpayers;
- (d) To make suggestions to the staff of the Animal Care and Control Division to strengthen the County animal care and control program;
- (e) To serve as an information and referral source on animals by holding public hearings; and working with the public and private animal welfare groups;
- (f) To educate the public about the seriousness of the animal care and control problem;
- (g) To advise the Board of Supervisors on any matters concerning animal care and control; and
- (h) To render to the Board of Supervisors at least once each calendar year report or reports of its activities, whereupon the Board of Supervisors may review the effectiveness and performance of the Commission.

(Ord. No. NS-300.745, § 1, 5-2-06)