

MINUTES OF THE MEETING OF COLLIER COUNTY
DOMESTIC ANIMAL SERVICES ADVISORY COMMITTEE

Naples, Florida, September 18, 2012

LET IT BE REMEMBERED, that the Collier County Domestic Animal Services Advisory Committee in and for the County of Collier, having conducted business herein, met on this date at 6:30 PM in REGULAR SESSION at Domestic Animal Services Training Room, Davis Blvd., East Naples, Florida, with the following members present:

CHAIRMAN: Marcia Breithaupt
VICE CHAIRMAN: Marjorie Bloom
Cindy Harrold
Sergeant David Estes
Tom Kepp, Jr.
Dan Martin (excused)

ALSO PRESENT: Amanda Townsend, Director, DAS
Dana Alger, Animal Control Supervisor, DAS
Kathlene Drew, Volunteer Coordinator, DAS
Emily Pepin, Assistant County Attorney
Steve Carnell, Public Services Administrator
Dan Christenbury, Public Relations Coordinator, DAS
Ekna Guevara, Administrative Assistant, DAS

I. Call to Order

Chairman Marcia Breithaupt called the meeting to order at 6:36 PM.

II. Attendance

Attendance was taken and a quorum established.

(Approximately 40 members of the public were also in attendance)

Eckna Guevara presided over a power point presentation of the meeting packet projected on a large screen for the benefit of all present.

III. Approval of Agenda

Change to the Agenda: Item IV. Approval of Minutes for both the Ordinance Revision Subcommittee meetings and the July 10, 2012 DASAB meeting would be moved to the October 16, 2012 Agenda.

Marjorie Bloom moved to approve the Agenda, as amended. Second by Cindy Harrold. Carried unanimously, 5-0.

IV. Approval of Minutes of July 10, 2012

This item was moved to the October 16, 2012 Agenda as noted above.

V. Old Business

Amanda Townsend reported there was no Old Business to be discussed. Her report consisted of a presentation summarizing the four components of the proposed revisions to the Animal Control Ordinance; the draft of which was being presented to the Domestic Animals Advisory Board. The four components were:

1. *Draft of proposed changes*
 - Strengthen existing provisions that allow for permitting of kennels and pet shops (redefined as “animal-related business” and “animal-related organization”)
 - Introduce a definition for “breeder” and add them to the permitting process
 - Allow the County to advance uncollected citations to County Court
 - Allow some persons cited to take a responsible pet ownership class
 - Revise the definition of “dangerous dog” to mirror that of F.S. 767
 - Redefine animal “cruelty,” “neglect,” and “abuse;” define neglect as failure to meet standards of care
2. *Proposed Resolution for Standards of care*
 - Replaces Resolution 79-93
 - Establishes standards of care for all animals to be applied in determining cases of neglect
 - Establishes standards of care to be met by all permitted business, organizations and breeders
3. *Proposed Resolution for a Penalty Schedule*
 - Ensures consistency in issuance of penalties
4. *Proposed Resolution for Revised Fee Schedule*
 - Necessary to establish fees for new processes, such as breeder permits

Amanda Townsend briefly reviewed each of the four component documents, giving explanations and answering questions.

VI. New Business

A. Proposed Animal Control Ordinance Revision and Resolutions Outlining a Penalty Schedule and Standards of Care

1. Staff Presentation

Amanda Townsend commented on the 12-month history leading up to the formation of the Ordinance Revision Subcommittee and the 10 months of work (14 meetings) by the Subcommittee to revise the Animal Control Ordinance in order to better serve the community and the animals.

The situation culminating in the impounding of 49 ill-treated dogs from a breeder lead to the DASAB and the animal welfare community's desire for something to be changed. A Public Petition encouraged the BCC to approve the Ordinance Revision Sub-committee. DAS staff's review of day to day operations, procedures and internal policies led the DASAB to recommend a change and strengthening of the Animal Control Laws and Resolutions pertaining to the administration of the laws (fees, collections and penalties)

An on-going top-ten priorities list had been established by DASAB. Of the eight remaining items, the draft of the proposed Revision to the Ordinance, along with the two proposed Resolutions accomplishes two of those priorities.

The BCC had approved the Ordinance Revision Sub-committee and expected DAS to submit the Revisions and the attendant Resolutions -*Standards of Care* and *Penalty Schedule* for public hearing and adoption.

Amanda requested the DASAB to consider public input and to give Staff direction regarding any concerns prior to submitting the Revision documents to the BCC.

2. Public Comment

The DASAB solicited comments from those who had signed up to speak.

Stephen Wright commented on his concerns regarding *animal related events* as stated in the Ordinance Draft. He noted those who conduct charitable events involving pets adhere to pet laws and conditions for those events. He also stated requiring permits thirty days in advance would discourage private pet parties, gatherings and pet charities from holding such events for more than 10 animals. Also, by whom and at what price would oversight be provided at these events? He suggested removing that item and just putting out a *Standard of Care for Pet Lovers*.

Michele Antonia agreed with Mr. Wright. She questioned the meaning of many terms in the *Standard of Care* that seemed ill-defined and elaborated on a few:

- Cleaned daily; disinfect living area; spot cleaning; animal to animal disease (how & when?); working animal (what kind?); A/C in enclosures (open areas?)
- Record of where animal was obtained- unrealistic for ferals. Also fresh water in feral traps would be useless.
- Too expensive to license and to limit animal numbers for some rescuers.

She asked who will police giveaways and sales in outlying areas; and, for more specifics for those organizations that care for pets while trying to get them adopted. Reconsideration of many items in the document was requested.

Kelly Hyland stated the need for a separate meeting to review everything proposed by the Sub-committee, page by page, line by line, with interested parties able to express their concerns. She said enforceable laws are already there, but are not enforced.

Teri Licastro stated she was happy to see so many people at the meeting. She noted Collier County Animal Control needed laws with substance in order to do anything; stating the Ordinance would help promote compliance with the laws in remote areas. And, that some people do need penalties if they are doing the wrong thing. She noted if laws were strong enough, with no gray areas, they would work.

Colleen MacAlister, one of the drafters of the Public Petition, spoke about their commitment to unequivocally enforce the current Ordinance. She pointed out the Proposed Ordinance was still discretionary as well as the policies of DAS in regards to compelling enforcement of the Ordinance we already have. She referenced *Section 11 item N.* of the Ordinance Revision draft, whereby the word “may” was substituted for the word “shall”; stating the Committee voted and directed Amanda to change the language. She supposed the County Attorney’s office may have changed the wording. Her contention was, if they had issues, the BCC would be the one to hear them, since the County Attorney’s office had no discretion to change wording voted by the Committee. Discretion only applied to the Animal Control Officer on the street. Her point was:

- Something should have to happen with the ACO’s decisions.
- The way the draft was worded, nothing has to happen.
- If offenders were prosecuted, citations would be paid; but, nothing in the drafted wording would make them do it.

Pallas Dias, as a pet owner and representative of the Collier Spay and Neuter Clinic, expressed her concerns regarding the Standards of Care requirements:

- Article II item A. 1. m. –reconsider language change to “only dogs that need it” (dry bedding)
- Trapping feral cats- Agreed with Michele Antonia- no water in the trap. It can create medical issues prior to surgery.
- Article II item Q. 2. - Remove the fresh water provision as it is specifically stated in item O. 3.
- Seek veterinary care requirement - There’s none affordable and accessible in Immokalee. Only one veterinarian there from 11am to 1pm weekdays. Many have no vehicles to transport their pets in.

Jeff Bender suggested citizen’s groups, those layman having experience with animals, and the DASAB get together at a meeting to close the loopholes in the Proposed Ordinance Revision documents presented, which seemed to have too many variables. He stressed the main concern seemed to focus on unwanted pets and low-priced spay and neuter options. He stated that with everyone’s knowledge and input, doable solutions could be implemented.

Heather Burch was concerned that many parts of the Standards of Care Resolution would hurt both individuals and non-profits who care for pets; many

with their own funds. She asked that the very people needed to help turn over the pet overpopulation not be penalized for that help.

Frank O'Neil was of the opinion the revised Ordinance could hurt a lot of well intentioned people who are trying to help. For the few that don't follow the laws, the enforcement procedures should be put in force. He suggested a re-address of the issues and to gain the perspective of a larger group of interested people. He asked the DASAB to consider revisiting the "areas of concern" issues before bringing the documents forward.

Amanda Townsend summarized the concerns that seemed to be mostly within the Standards of Care document. She also explained the "may" and "shall" County Court issue, stating some discretion had to be made available in instances where being compelled to continually move forward would be inadvisable. She suggested, since the BCC was waiting to consider the Ordinance Revision and Resolutions on the next docket, that the DASAB vote to approve all documents except the Standards of Care. And, subsequently, give authority to DAS staff to address the Standards of Care issues at administrative meetings where all would be invited.

A lengthy discussion followed:

3. *Advisory Board Member Recommendations*

Marjorie Bloom and **Marcia Breithaupt** agreed with Amanda's suggestion.

Cindy Harrold stated the Ordinance was aimed at the people who do not comply. The Sub-committee had not seen the final documents until last week. She suggested they go back to the Subcommittee, address topics brought forth by the public and not send anything to the BCC until it was ready.

Tom Kepp had many comments on the areas that had to do with breeders (who determines, who licenses and who enforces). He contended the language was not strong enough and the current Ordinance was enforceable; but, the County was not doing it. He planned to consult the County Manager, Commissioner and Tax Collector to clarify the licensed breeder portion of the Revised Ordinance.

Marcia Breithaupt moved to recommend approval of the Revised Ordinance and attending documents, with the exception of the Standards of Care document. There was no second.

Further discussion ensued whereby the DASAB agreed the Sub-committee would meet to re-address the issues of concern. All interested citizens were invited to attend. The full DASAB will be at that meeting.

Tom Kepp moved to recommend sending back to the Ordinance Revision Sub-committee the Revised Ordinance draft, along with the attending documents, for more information; and, to meet and discuss the changes and concerns about items brought up at tonight's meeting. Second by Cindy Harrold. Carried, 3 to 2. Marcia Breithaupt and Marjorie Bloom, against.

Amanda Townsend proposed setting a meeting everyone was present.

It was agreed that on October 4 at 6:30 PM the Ordinance Revision Sub-committee and the DASAB will meet with members of the community interested in animal welfare to discuss areas of contention within the Proposed Draft of the Animal Control Ordinance and the aforementioned Resolutions.

Emily Pepin, Assistant County Attorney announced:

1. At the October 16th meeting she and Colleen Green will give a brief presentation.
2. A reminder of the need for compliance with the Sunshine Law, including e-mail communications to other DASAB members. Also, no outside conversation of what is going to be discussed at DASAB meetings
3. A reminder that side conversation to one another were likely to be recorded

VII. Adjournment

The next regularly scheduled Advisory Board Meeting will be October 16, 2012 at 6:30 in the Domestic Animal Training Room, Davis Blvd., Naples, Florida

There being no further business for the good of the County, the meeting was adjourned by the order of the Chair at 8:10 PM.

COLLIER COUNTY DOMESTIC ANIMAL SERVICES

Chairman Marcia Breithaupt

These minutes approved by Board/Committee on _____ as presented _____ or as amended _____.