

CITY OF PORT ARANSAS, TEXAS

AGENDA

ANIMAL SHELTER ADVISORY COMMITTEE MEETING

Tuesday, December 13, 2016 @ 2:00 pm
Port Aransas City Hall, 710 W. Avenue A
Port Aransas, Texas 78373

Notice is hereby given that the Port Aransas Animal Shelter Advisory Committee will conduct a Meeting on Tuesday, December 13, 2016 beginning at 2:00 pm in Council Chamber at City Hall, 710 W. Avenue A, Port Aransas, Texas with the notice of these meetings giving time, place, date and subject was posted as described in V.T.C.A., Government Code §551.041 for the purpose of considering the following agenda items:

1. **CALL TO ORDER**

2. **ITEMS FOR CONSIDERATION**

- A. Staff presentation and general discussion of Health and Safety Code, Title 10. “Health and Safety of Animals”, Chapter 823. “Animal Shelters”.
- B. Staff presentation and general discussion of City of Port Aransas Code of Ordinances Chapter 4. “Animals”, Article V. “Animal Shelter” and introduction of Committee Membership.

Place	Member	Appt. Date	Expire Date	Other
1	Debra A. Megonigle	10/20/2016	2017	Veterinarian
2	Beth Owens	10/20/2016	2017	Municipal Official
3	James "Jim" Williams	10/20/2016	2018	Shelter Employee
4	Marnie F. Pate	10/20/2016	2018	Animal Welfare Organization
5	James "Jim" Wheeler, Sr.	10/20/2016	2017	Citizen At-Large
6	Suzanne W. Horner	10/20/2016	2018	Citizen At-Large
	Scott Burroughs			Staff – Police Chief
	Dee Dee Ince			Staff – Department Secretary

- C. Deliberate and take action to elect, from among its members, a Chairman and a Vice Chairman.
- D. Deliberate and take action to set date and time of three (3) Committee meetings for 2017.
- E. Staff presentation of future items for discussion:
 - i. Review Code of Ordinances Chapter 4. “Animals”;

- ii. Review Animal Shelter Statistics, determine what statistics should be reviewed and discussed;
 - iii. Events at the Animal Shelter;
 - iv. Update from Animal Friends activities, adoption events;
 - v. Review current and new Shelter Policies i.e. adoption, Disaster Preparedness; and
 - vi. Propose periodic Shelter tours by Board.
3. **CITIZEN COMMENTS AND REPORTS:** *At this time, comments will be taken from the audience on any subject matter **that is not** on the agenda. To address the Advisory Board, please sign the 'Speaker's Card' located on the table just inside the Council Chamber and deliver to the Board Secretary before the meeting begins. Please limit comments to three (3) minutes. In accordance with the Open Meetings Act, the Board may not discuss or take action on any item that has not been posted on the Agenda.*
4. **BOARD COMMENTS AND PUBLIC ANNOUNCEMENTS:** *- Expressions of thanks, congratulations or condolences; information regarding holiday schedules; honorary recognition of city officials, employees or other citizens; and/or reminders about upcoming civic events. No member of the Board may discuss nor take any action with regard to the announcement(s).*
5. **BOARD REQUESTS FOR FUTURE AGENDA:** *Members of the Board may request topics for future agenda meetings. No member of the Board may discuss any of the requested subjects until such matter has been properly laced on a posted agenda.*
6. **ADJOURNMENT**

CERTIFICATION

I certify that the above notice of meeting was posted on the bulletin board at City Hall, 710 W. Avenue A, Port Aransas, Texas on Friday, December 9, 2016 at 11:00 am and on the City's website at www.cityofportaransas.org. I further certify that the following News Media were property notified on this meeting as stated above: South Jetty, Island Moon and Corpus Christi Caller Times.

Irma G. Parker, City Secretary

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the _____ day of _____, 2016.

By: _____ Title: _____

NOTICE

This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the city secretary at (361) 749-4111, via facsimile at (361) 749-4101 or email at iparker@cityofportaransas.org for further information. Braille is not available.

HEALTH AND SAFETY CODE

TITLE 10. HEALTH AND SAFETY OF ANIMALS

CHAPTER 823. ANIMAL SHELTERS

Sec. 823.001. DEFINITIONS. In this chapter:

(1) "Animal shelter" means a facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals.

(2) Repealed by Acts 2015, 84th Leg., R.S., Ch. 1, Sec. 3.1639(120), eff. April 2, 2015.

(3) Repealed by Acts 2015, 84th Leg., R.S., Ch. 1, Sec. 3.1639(120), eff. April 2, 2015.

(4) "Department" means the Department of State Health Services.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1603, eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1639(120), eff. April 2, 2015.

Sec. 823.002. EXEMPTION FOR CERTAIN COUNTIES, CLINICS, AND FACILITIES. This chapter does not apply to:

- (1) a county having a population of less than 75,000;
- (2) a veterinary medicine clinic; or
- (3) a livestock commission facility.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Amended by Acts 1991, 72nd Leg., ch. 14, Sec. 280, eff. Sept. 1, 1991.

Sec. 823.003. STANDARDS FOR ANIMAL SHELTERS; CRIMINAL PENALTY. (a) Each animal shelter operated in this state shall comply with the standards for:

(1) housing and sanitation as provided in Chapter 826 for quarantine and impoundment facilities; and

(2) animal control officer training adopted under Chapter 829.

(b) An animal shelter shall separate animals in its custody at all times by species, by sex (if known), and if the animals are not related to one another, by size.

(c) An animal shelter may not confine healthy animals with sick, injured, or diseased animals.

(d) Each person who operates an animal shelter shall employ a veterinarian at least once a year to inspect the shelter to determine whether it complies with the requirements of this chapter and Chapter 829. The veterinarian shall file copies of the veterinarian's report with the person operating the shelter and with the department on forms prescribed by the department.

(e) The executive commissioner of the Health and Human Services Commission may require each person operating an animal shelter to keep records of the date and disposition of animals in its custody, to maintain the records on the business premises of the animal shelter, and to make the records available for inspection at reasonable times.

(f) A person commits an offense if the person substantially violates this section. An offense under this subsection is a Class C misdemeanor.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1331 (S.B. 1562), Sec. 2, eff. September 1, 2007.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1604, eff. April 2, 2015.

Sec. 823.005. ADVISORY COMMITTEE. (a) The governing body of a county or municipality in which an animal shelter is located shall appoint an advisory committee to assist in complying with the requirements of this chapter.

(b) The advisory committee must be composed of at least one licensed veterinarian, one county or municipal official, one person whose duties include the daily operation of an animal shelter, and one representative from an animal welfare organization.

(c) The advisory committee shall meet at least three times a year.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 823.007. INJUNCTION. A court of competent jurisdiction may, on the petition of any person, prohibit by injunction the substantial violation of this chapter.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 823.008. ENFORCEMENT BY COUNTY. (a) A county may enforce this chapter.

(b) This section does not authorize a county to establish standards for operating an animal shelter.

(c) A county may not enforce this chapter at an animal shelter operated by a municipality.

Added by Acts 2009, 81st Leg., R.S., Ch. 924 (H.B. 3004), Sec. 1, eff. June 19, 2009.

Sec. 823.009. CIVIL PENALTY. (a) A person may not cause, suffer, allow, or permit a violation of this chapter or a rule adopted under this chapter.

(b) A person who violates this chapter or a rule adopted under this chapter shall be assessed a civil penalty. A civil penalty under this chapter may not be less than \$100 or more

than \$500 for each violation and for each day of a continuing violation. This subsection does not apply at an animal shelter operated by a municipality.

(c) If it appears that a person has violated, is violating, or is threatening to violate this chapter or a rule adopted under this chapter, the county or municipality in which the violation occurs may institute a civil suit in district court for:

- (1) injunctive relief to restrain the person from continuing the violation or threat of violation;
 - (2) the assessment and recovery of the civil penalty;
- or
- (3) both injunctive relief and the civil penalty.

(d) A bond is not required in an action brought under this section.

Added by Acts 2009, 81st Leg., R.S., Ch. 924 (H.B. [3004](#)), Sec. 1, eff. June 19, 2009.

Sec. 4-201. - Animal shelter advisory council.

There is hereby created a city board to be known as the "Animal Shelter Advisory Council" who shall be appointed to assist in complying with the requirements of Chapter 823 of the Health & Safety Code.

- (a) *Membership.* The advisory council must be composed of at least:
 - (1) One (1) licensed veterinarian;
 - (2) One (1) municipal official;
 - (3) One (1) person whose duties include the daily operation of the animal shelter;
 - (4) One (1) representative from an animal welfare organization; and
 - (5) The city manager or his appointee.
- (b) *Term.* Members of the advisory council shall be appointed for two-year terms with two (2) members expiring in even numbered years and two (2) members expiring in odd numbered years).
- (c) *Officers.* The advisory council shall select from among its members a chairman and a vice chairman, and it shall adopt subject to the approval of the city council, such rules and regulations governing its proceedings as it may deem proper. Such rules and regulations shall not be inconsistent with the ordinances of the city.
- (d) *Duties.* It shall be the responsibility of the advisory council to advise the council on matters concerning the animal shelter and take such actions as may be approved by the city council.
- (e) *Meeting requirement.* The advisory council shall meet at least three (3) times a year.

[\(Ord. No. 2016-05, § 1, 3-24-16\)](#)