

Stanislaus Animal Services Agency



Thursday, September 15, 2011 at 9:00am

Animal Services Conference Room
3647 Cornucopia Way
Modesto, CA 95358



STANISLAUS ANIMAL SERVICES AGENCY

"SERVING YOUR COMMUNITY TOGETHER"

3647 Cornucopia Way
Modesto CA 95358

Phone: 209.558.7387 Fax: 209.558.2138
www.stancounty.com/animalservices

Joint Powers Agency Meeting Notice

Thursday, September 15, 2011, Animal Services Conference Room, 3647 Cornucopia Way, Modesto, CA

The Joint Powers Agency welcomes you to its meetings, which are held by announcement, and your interest is encouraged and appreciated.

The agenda is divided into two sections:

CONSENT CALENDAR: These matters include routine financial and administrative actions. All items on the consent calendar will be voted on at the beginning of the meeting under the section titled "Consent Calendar." If you wish to have an item removed from the Consent Calendar, please make your request at the time the Agency Chairperson asks if any member of the public wishes to remove an item from consent.

REGULAR CALENDAR: These items will be individually discussed and include all items not on the consent calendar, all public hearing and correspondence.

ANY MEMBER OF THE AUDIENCE DESIRING TO ADDRESS THE AGENCY ON A MATTER ON THE AGENDA: Please raise your hand or step to the podium at the time the item is announced by the Agency Chairperson. In order that interested parties have an opportunity to speak, any person addressing the Agency will be limited to a maximum of 5 minutes unless the Chairperson of the Agency grants a longer period of time.

PUBLIC COMMENT PERIODS: Matters under the jurisdiction of the Agency, and not on the posted agenda, may be addressed by the general public at the beginning of the regular agenda and any off-agenda matters before the Agency for consideration. However, California law prohibits the Agency from taking action on any matter which is not on the posted agenda unless it is determined to be an emergency by the Joint Powers Agency for Stanislaus Animal Services. Any member of the public wishing to address the Agency during the "Public Comment" period shall be permitted to be heard once for up to 5 minutes.

Materials related to an item on this Agenda submitted to the Agency after distribution of the agenda packet are available for public inspection in the Clerk's office at 3647 Cornucopia Way, Modesto, CA during normal business hours.

NOTICE REGARDING NON-ENGLISH SPEAKERS: Joint Powers Agency meetings are conducted in English and translation to other languages is not provided. Please make arrangements for an interpreter if necessary.

REASONABLE ACCOMMODATIONS: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Executive Director of Animal Services at (209) 342-1740.

MATERIALS: Materials related to an item on this Agenda submitted to the Joint Powers Agency after distribution of the agenda packet are available for public inspection in the Animal Services Office at 3647 Cornucopia Way in Modesto, during normal business hours.

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Stanislaus Animal Services Agency Board Meeting Agenda

September 15, 2011

1. **Roll Call (silent)**
2. **Pledge of Allegiance**
3. **Public Comment Period (Limit of 5 minutes per person)**
4. **Minutes of Previous Meeting**
 - A. Approval of the Agency Board Meeting Minutes of June 16, 2011
5. **Correspondence: None**
6. **Conflict of Interest Declarations**
7. **New Business**
 - A. Acceptance of 2009-2010 Purchasing Card Charges Audit
 - B. Approve and adopt the revised Bylaws
 - C. Approval to Authorize the Formation of an Advisory Committee
 - D. Review and discuss the proposed new Animal Services Ordinance Model
 - E. Discussion to consider establishing a method for accepting incoming claims.
 - F. Approve Animal Advisory Board Cat Project "Five for Felines"
8. **Director Report**
9. **Member Referrals**
10. **Adjourn Regular Meeting into Closed Session**
11. **Closed Session**

- **Public Employee Evaluation – Executive Director**
Government Code: 54957 (b)

**THE GOVERNING BOARD
OF THE JOINT POWERS AGENCY OF THE
STANISLAUS ANIMAL SERVICES AGENCY**

Regular Meeting

Thursday

June, 16 2011

Members Present:

Joel Broumas (Modesto alternate)	Monica Nino - Stanislaus County
Mike Borges (Ceres alternate)	Tim Ogden - Waterford
Greg Nyhoff (absent)	Richard Robinson (absent)
Bryan Whitemyer - Hughson	Rod Butler - Patterson
Art deWerk (absent)	Matt Erickson – (Waterford alt.)

Meeting was called to order at 9:10 a.m. by Joel Broumas

- I. Silent Roll Call
- II. Presentation
- III. Public Comment – None
- IV. Approved minutes of the March 17th Regular meeting and the March 31st Special meeting. Nino/Butler (Approved 5-0, Ogden abstained.)
- V. Correspondence – None
- VI. Conflict of Interest Declarations - None
- VII. **Regular Calendar Agenda Items – New Business**
 - 7-A. Approved the Nomination of Bryan Whitemyer as Chair and Rod Butler as Vice Chair for the 2011/2012 Fiscal Year. Nino/Borges (6-0)
 - 7-B. Authorized the Executive Director to execute an agreement with Brown and Armstrong in the amount of \$7500 for the 2010-2011 annual audit/administrative compliance review. Approved as amended, include: Result of audit to come back to the Joint Powers Agency. Whitemyer/Butler (6-0)
 - 7-C. Discussed Proposed Amendments to the Bylaws, any additional changes to the Bylaws need to be presented to JPA members by June 24th, then bring to the September meeting for approval.
 - 7-D. Adopted the Proposed 2011-2012 Trust Fund Budget. Butler/Borges (6-0)
- VIII. Director Report – Included the desire to meet more often. Ordinance updates. Current operations and the results of news paper ads, phone calls, license billing. Possible partnership savings, will know more after mid July true up. Kashmir adds second quarter billing will be adjusted (operations only) and will show on the invoice. Services changes effecting July 1st include no after hours service from 8 p.m. to 8 a.m. Proximity cards and alarm codes will be provided to partner agencies needing to bring animals into the facility after hours. Agency is still looking for an Accountant and an Animal Care Specialist. All staff will be working eight hour shifts beginning July 1st. Union representatives will be

notified. Modesto High school had a reunion and fund raiser for ASA which will provide the Agency with another donation.

IX. Member Referrals – None

X. Adjourned at 10:40 a.m.

ATTESTED: Linda Ford, Clerk
of the Governing Board of the
Joint Powers Agency of the
Stanislaus Animal Services Agency
State of California

(The above is a summary of the minutes of the Governing Board of the Joint Powers Agency. Complete minutes are available from the clerk at Stanislaus Animal Services Agency, 3647 Cornucopia Way in Modesto, CA.)



**STANISLAUS ANIMAL SERVICES AGENCY
ACTION AGENDA SUMMARY**

AGENDA DATE: September 15, 2011

AGENDA #: 7-A

SUBJECT:

Acceptance of 2009-2010 Purchasing Card Charges Audit

BACKGROUND:

The Stanislaus Animal Services Agency is an independent unit of local government that is classified as a County agency. The Agency has an agreement with Stanislaus County to provide accounting and legal services as if it were a County department. The Agency employees are considered County employees for all payroll and benefit purposes and the Agency has based its travel and purchasing card policies on County policies for convenience and consistency.

The Auditor's Office is directed by the Board of Supervisors to conduct an audit of all County departments' purchasing card charges for fiscal year 2009-2010. The Agency employees use purchasing cards issued through Stanislaus County, the Agency's purchasing card charges were audited under this Board directive. The use of purchasing cards is the preferred method for the purpose of supplies.

The purchasing card audit for 2009-2010, contains no findings or recommendations.

STAFF RECOMMENDATIONS:

Accept the 2009-2010 purchasing card charges audit

FISCAL IMPACT:

There is no fiscal impact associated with the approval of this recommendation

AGENCY BOARD ACTION:

On motion of _____; Seconded by _____
and approved by the following vote:

Ayes: _____

Noes: _____

Excused or Absent: _____

Abstaining: _____

- 1) _____ Approved as recommended.
- 2) _____ Denied.
- 3) _____ Approved as amended.

Motion: _____



AUDITOR-CONTROLLER

Larry D. Haugh
Auditor - Controller

1010 10th Street, Suite 5100, Modesto, CA 95354
P O Box 770, Modesto, CA 95353-0770
Phone: 209.525.6398 Fax: 209.525.6487

**STANISLAUS COUNTY
EXECUTIVE SUMMARY
ANIMAL SERVICES
PURCHASING CARD AUDIT**

BACKGROUND

The Internal Audit Division of the Auditor-Controller's Office has completed an audit of the Stanislaus County Purchasing Card Program which was included in the Fiscal Year 2010-2011 annual audit schedule and approved by the Board of Supervisors.

Stanislaus County implemented the Bank of America Purchasing Card System on October 11, 1996. The Board of Supervisors approved agenda item number 2001-593 on August 7, 2001 directing the Chief Executive Officer and the Auditor-Controller to provide an annual report of the Purchasing Card Program including department-specific findings and recommendations.

OBJECTIVE AND SCOPE

The objective of the audit was to determine whether the Department's use of purchasing cards complies with the County Purchasing Card and Travel Policies as well as the Department Policy, if applicable, in effect at the time of the purchases. In addition, we assessed the Department's internal controls over the maintenance and use of the County purchasing cards.

The audit period covered purchasing card activity during fiscal year 2009-2010. We selected 100% of the purchasing card transactions incurred by the Department Head representing 3 transactions in the amount of \$8,154.56. The remaining department purchasing card transactions consisted of 186 transactions in the amount of \$31,905.37. For our engagement, we selected 25 transactions (approximately 13%) in the amount of \$12,828.02 (approximately 40%) from the entire population for testing. The sample percentage was determined by a review of prior year audit reports and the selection of transactions appearing to be high risk purchases along with the remaining transactions randomly selected.

METHODOLOGY

Audit methodology included the following procedures:

- We obtained a list of purchasing card transactions for each department directly from Bank of America.
- We verified the transactions were approved and dated by appropriate personnel.
- We verified the charges were appropriate County business expenses, costs appeared reasonable, and did not exceed allowable limits contained in the County Purchasing Card and Travel Policies.
- We examined the transactions to ensure they complied with all other relevant guidelines contained in the County Purchasing Card and Travel policies.

We assessed the internal controls over the purchasing card transactions by:

- Interviewing department personnel and documenting the department's controls over purchasing cards.
- We examined the Purchasing Card Application and Authorization Forms to verify that an application form exists for each employee issued a County purchasing card and the form was approved by an appropriate personnel.
- We examined the Purchasing Card Reconciliation Reports to ensure administrative staff were reviewing and reconciling the monthly transactions to the purchasing card statements from the Bank of America.
- We reviewed the Purchasing Card Transaction Detail Reports to ensure management was reviewing the purchasing card transactions for appropriateness.

STANDARDS

We conducted our engagement in accordance with the *International Standards for the Professional Practice of Internal Auditing*, published by the Institute of Internal Auditors. Accordingly, we examined, on a test basis, evidence supporting the procedures in place and performed such other procedures as we considered necessary.

We appreciate the courtesies and cooperation extended to the Internal Audit Division during the audit process.

FINDINGS AND RECOMMENDATIONS

There are no major findings and recommendations for the Department purchasing card transactions during fiscal year 2009-2010.



**STANISLAUS ANIMAL SERVICES AGENCY
ACTION AGENDA SUMMARY**

AGENDA DATE: September 15, 2011

AGENDA #: 7-B

SUBJECT:

Approve and Authorize the Stanislaus Animal Services Agency Board to approve and adopt the revised Bylaws

BACKGROUND:

At the June 16, 2011 Joint Powers Agency meeting of the Stanislaus Animal Services Agency, the Agency Board reviewed and approved the proposed Bylaws of the Board and requests that the changes be approved.

STAFF RECOMMENDATIONS:

1. Approve the proposed Bylaws

FISCAL IMPACT:

There is no fiscal impact associated with the approval of this recommendation

AGENCY BOARD ACTION:

On motion of _____; Seconded by _____
and approved by the following vote:

Ayes: _____

Noes: _____

Excused or Absent: _____

Abstaining: _____

- 1) _____ Approved as recommended.
- 2) _____ Denied.
- 3) _____ Approved as amended.

Motion: _____

STANISLAUS ANIMAL SERVICES AGENCY

BOARD BYLAWS

Adopted
June 10,
2010

ARTICLE I-FUNCTIONS AND DUTIES

The Stanislaus Animal Services Agency Board, referred to hereafter as the "Agency Board," functions under a Joint Powers Agreement entered into on October 27, 2009 ("Agreement") pursuant to Government Code section 6500. The following articles govern all proceedings of the Agency Board and other affairs of the Stanislaus Animal Services Agency.

ARTICLE 2-MEMBERSHIP, OFFICERS, ORGANIZATION, AND ATTENDANCE

Section 1-Membership: The Agency's membership shall be composed of the County of Stanislaus and the Cities of Ceres, Hughson, Modesto, Patterson and Waterford. Any city within Stanislaus County that is not named or that may hereafter be incorporated, and which desires to participate in the activities of the Agency may also become a member under the terms set forth in the Agreement. Each member of the Agency shall have one representative on the Agency Board ("Agency Board member").

Section 2-Terms of Office-Chair and Vice Chair: The terms of Chair and Vice Chair shall serve a one-year term of office beginning at the first regular meeting of each fiscal year.

Section 3-Officers:

(a) Selection. The Agency Board shall appoint the Chair and the Vice Chair by majority vote of the members of the Board.

(b) Succession. The Vice Chair shall act in the place of and have all the powers and duties of the Chair in the absence of the Chair, as may be required by provisions of applicable law, the Bylaws, or by the direction of the Agency Board or the Chair. The alternate-Chair shall serve as Chair in the absence of the Chair and the Vice-Chair and shall perform such duties as may be required by provisions of applicable law, the Bylaws, or by the direction of the Agency Board or the Chair. In addition, the alternate Vice-Chair shall serve as Chair in the absence of the Chair, Vice-Chair and the alternate-Chair and shall perform such duties as may be required by provisions of applicable law, the Bylaws, or by the direction of the Agency Board or the Chair.

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(c) Chair's Responsibilities. The responsibilities and powers of the Chair shall be as follows:

1. Preside at all meetings of the Agency Board and rule on all questions of order.
2. Call special meetings of the Agency Board in accordance with legal requirements, including the Brown Act, and the Rules of Procedure.
3. Sign documents on behalf of the Agency Board.
4. Direct appropriate action on items raised that are not listed on the Agency Board agendas.
5. Have the same rights and responsibilities as any Agency Board member.
6. Work with committees, as necessary, to develop and recommend policy

Section 4- Absence or Disqualification of Chair: In the absence of the Chair, or when the Chair is disqualified from participation or voting, the Vice Chair shall assume the responsibilities of the

Chair. In the event that both the Chair and Vice Chair, and their alternates, are absent or unable to participate, then the remaining Agency Board members shall select by majority vote a member to chair the meeting.

Section 5-Secretary: The Executive Director shall serve as the Secretary of the Agency Board. The Secretary will maintain a public record of the Agency Board resolutions, transactions, findings, and determinations, and shall prepare agendas and minutes of each Regular and Special meeting of the Agency Board. The Executive Director is not an Agency Board member and does not have voting rights.

Section 6-Vacancy: Upon a vacancy occurring in the office of the Chair, the Vice Chair shall assume the office of the Chair for the balance of the unexpired term. Upon a vacancy occurring in the office of the Vice-Chair, the Agency Board members shall elect, from among them, a Vice-Chair to serve the balance of the unexpired term.

ARTICLE 3-MEETINGS

Section 1-Conduct at Meetings: Except as herein or otherwise provided, the California Brown Act commencing with Government Code section 54950, et seq. and Robert's Rules of Order, Revised shall govern all proceedings of the Agency Board.

Section 2-Regular Meetings: The Agency Board shall hold regular meetings. At least one meeting will be held quarterly on the third Thursday of March, June, September, and December. The time and the place of each meeting shall be determined by and the subject to the approval of the Agency Board members.

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Notice of regular meetings shall be given to each member and alternate representative, at least seven days before each meeting. The Agency Board agenda shall state the location of the meeting. The Chair will call the meeting to order.

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Section 3-No Meeting on Holidays: Whenever the Agency Board meeting falls on a public holiday, no regular meeting shall be held. Such regular meeting may be rescheduled to another business day, or canceled at the direction of the Chair.

Section 4-Adjourned Meetings: The Chair may, with the approval of a majority of the members present, adjourn any meeting to a time and location of his or her choice, or to the next regularly scheduled meeting.

Section 5-Special Meetings: The Chair, at his or her discretion, or a majority of the Agency Board members, may call a special meeting. Each Agency Board member shall be notified, either personally or by written notice, at least twenty-four (24) hours before the meeting. No business except that specified in the notice shall be discussed at a special meeting.

Section 6-Notice of Meetings: The Chair shall direct the publication of notices of all meetings, public hearings, including notice to the media, as required by the Brown Act.

Section 7-Study Sessions and Workshops: Study sessions or workshops may be set only upon a majority vote of the members at a meeting. No official action shall be taken and no quorum shall be required. Such meetings shall be open to the public; and unless the Agency Board invites evidence or comments to be given, participation by interested members of the public shall not take place at such study sessions.

Section 8-Cancellation of Meetings: The Chair may cancel any regular or special meeting of the Agency Board if it is determined there is no significant business to be conducted, except upon objection by any Agency Board member.

Section 9-Committee Meetings: Except as herein or otherwise provided, the Standing and Special Committees of the Agency Board shall meet on the call of their Chair. Each committee member shall be notified of a meeting, either personally or by written notice, at least five days before the meeting.

ARTICLE 4-AGENDAS, ORDER OR BUSINESS

Section 1-Agendas: An agenda for each meeting of the Agency Board shall be prepared by assigned staff. The Executive Director shall determine the items to be placed on the agenda. Individual Agency Board members, may request items be placed on the agenda, upon approval of the Chair and submission of the item

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to the Executive Director.

Section 2 - Agenda - Order of Business: The following sequence shall be used in the preparation of agendas:

1. Welcome
2. Roll Call (silent)
3. Public Comment
4. Minutes of Previous Meeting
5. Correspondence
6. New Business
7. Committee Reports
8. Director Report
9. Member Referrals
10. Adjournment
11. Closed Session

The order of business may be altered at the Chair's discretion.

Section 3-Requests for Continuance of a Public Hearing: If a request is made for continuance, a motion may be made and voted upon to continue the public hearing to a definite date and time or to continue indefinitely. A motion may also be made and voted on to place the item anywhere under the "Public Hearing Items" heading on the agenda. Any person desiring to be heard on the item may be given an opportunity to make a presentation.

Section 4-Public Hearings: The Chair shall announce, open, request the staff report and preside over each public hearing conducted by the Agency. It shall be the duty of the Agency to make a decision

on each matter presented. The Agency Board may accept, reject or modify the finding requested in the staff report.

Section 5-Conduct of Speakers: Each speaker shall be required to approach the microphone and give their name and address. The speaker may then proceed to offer information. However, speakers will be limited to the item under consideration and the Chair may rule out irrelevant and off-the-subject comments. The Chair will not tolerate any complaints regarding individual Agency Board members or the staff or any remarks of a personal nature during the public hearing. All comments shall be addressed to the Agency Board.

Section 6-Time Limits for Testimony: The Chair may limit the amount of time afforded to each speaker to five (5) minutes. In addition, the Chair may foreclose any testimony, which presents evidence which is repetitious, incompetent, irrelevant, immaterial, which constitutes offensive or inappropriate language or remarks of a personal nature.

Section 7-Closing of the Public Hearing: The Chair shall close the public hearing

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when it is determined that all solicited testimony has been received. Subsequently, at the discretion of the Chair, persons in the audience may make comments if any matter was not previously discussed or introduced into the Hearing or if clarification is necessary.

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Section 8- Discussing and Decision by the Agency: After the public hearing has been closed, the Agency Board members shall discuss the evidence presented and reach a decision on the item under consideration. The item may be continued to a future meeting if the Agency Board determines that additional information is required or additional time is necessary to consider oral and written testimony.

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Section 9- Voting Requirements:

(a) A quorum shall consist of one-half the total number of Agency Board members entitled to vote, plus one. Each member Agency shall have one vote on the Agency Board. All votes shall be cast by the Agency Board member, or his or her alternate representative authorized to do so, for the member Agency that they represent. Such authorization shall be made known to the Executive Director of the Animal Services Agency at least 24-hours before each meeting of the Agency Board at which that alternate is to attend. No proxy, absentee, or fractional votes may be cast.

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(b) A simple majority of the Agency Board members present is required for the Agency Board to take action, except to adjourn a regular meeting where a quorum is not present. A two-thirds majority of the Agency Board members shall be required to approve all fiscal matters and any other action requiring, under existing law, a 2/3 majority.

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(c) In the case of a tie vote, the motion fails and a new motion is in order. If an alternative action is not possible, the item shall be considered denied.

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(d) Agency Board members shall not vote on a motion unless they have been present during the entire hearing on the issue or have listened to the tape recording of that portion of the hearing presented in their absence.

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(e) When a member of the Agency Board abstains from voting on any matter before it because of a potential conflict of interest, said abstention shall not constitute nor be considered as either a vote in favor or of opposition to the matter being considered.

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Section 10- Disqualification from Voting: Agency Board members shall disqualify themselves from voting in accordance with the Conflict of Interest Code and all applicable laws and regulations. When members disqualify themselves they shall state prior to the consideration of the item to the Chair and inform the Chair the reason. The member must leave the room until the remaining members vote on the item.

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Section 11-Closed Sessions and Confidential information;

(a) In accordance with Government Code section 54956.96 (a) (1) information received by an Agency Board member in closed session shall be confidential. That same information when provided to the city council or Board of Supervisors in closed session shall also be confidential. A member of the city council or Board of Supervisors may disclose the information, which has direct financial or liability implications, obtained in closed session to their legal counsel for advice and to other members of their city council or their Board of Supervisors present in a closed session.

(b) In accordance with Government Code section 54956.96(a)(2), if the designated alternate for an Agency Board member is also a city council member or Board of Supervisor member and who is attending a properly notice Agency Board meeting in lieu of the Agency Board member may attend closed sessions of the Agency Board.

Section 12-Records of Meetings: The Agency Board meetings shall be recorded by mechanical means and the Secretary shall take notes. When a request is made in writing for a stenographic record of a public hearing, the record shall be prepared and made available to the requesting party at cost. An advance deposit in the amount necessary for duplication will be required from the requesting party.

ARTICLE 5-COMMITTEES

Section 1-Standing Committees: The Standing Committees of the Agency Board shall be established upon approval of a majority of Agency Board members present at a regular meeting.

Section 2-Special Committees: The Chair or a majority vote of the Agency Board members present at a meeting may appoint additional committees as may be necessary or desirable.

ARTICLE 6-AMENDMENTS

Section 1-Amendments to Bylaws: These Bylaws may be amended by a two-thirds vote of those Agency Board members voting at a Regular Meeting of the Agency Board.

Section 2-Who may propose: Amendments to these Bylaws may be proposed by Agency Board member.

Section 3-Prior Notice of Proposed Amendment: In no case shall a vote on a proposed amendment be conducted unless the said proposed amendment has been submitted in writing by the Secretary to the Agency Board members, or their alternates at least fifteen (15) days before the meeting.

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ARTICLE 7- EXECUTIVE DIRECTOR RESPONSIBILITIES

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The duties and responsibilities of the Executive Director include:

1. Plans, organizes, implements and evaluates all operations relative to Animal Services within the jurisdiction of the Stanislaus Animal Services Agency.
2. Participates in internal and external committees, advisory groups, and related to the efficient operation and coordination of the Stanislaus Animal Services Agency.
3. Develops and implements Stanislaus Animal Services Agency policies and procedures and oversees the management, development and analysis to ensure authority-wide consistency with state and federal laws.
4. To hold animals needed by the city police as evidence in any matter being investigated or prosecuted for possible violation of state or local laws relating to animals.
5. Prepares reports and recommendations regarding implementation, revisions, or discontinuation of specific programs and services.
6. To impound any and all animals found running at large upon the streets, alleys or public places within the city and, having impounded such animals, if the owner of any such animal desires the release thereof, the Executive Director of Stanislaus Animal Services Agency shall release the same upon the payment of fees as provided by Board resolution. In the event any animal so impounded is not redeemed by the owner, then the Executive Director of Stanislaus Animal Services Agency is authorized to care for the animal as provided by state law for strays.
7. To collect and dispose of dead animals found in public places.
8. Develops the annual budget, monitors expenses and manages projects to their timely conclusion within budgetary guidelines.

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STANISLAUS ANIMAL SERVICES AGENCY

BOARD BYLAWS

Adopted
June 10,
2010

ARTICLE I-FUNCTIONS AND DUTIES

The Stanislaus Animal Services Agency Board, referred to hereafter as the "Agency Board," functions under a Joint Powers Agreement entered into on October 27, 2009 ("Agreement") pursuant to Government Code section 6500. The following articles govern all proceedings of the Agency Board and other affairs of the Stanislaus Animal Services Agency.

ARTICLE 2-MEMBERSHIP, OFFICERS, ORGANIZATION, AND ATTENDANCE

Section 1-Membership: The Agency's membership shall be composed of the County of Stanislaus and the Cities of Ceres, Hughson, Modesto, Patterson and Waterford. Any city within Stanislaus County that is not named or that may hereafter be incorporated, and which desires to participate in the activities of the Agency may also become a member under the terms set forth in the Agreement. Each member of the Agency shall have one representative on the Agency Board ("Agency Board member").

Section 2-Terms of Office-Chair and Vice Chair The terms of Chair and Vice Chair shall serve a one-year term of office beginning at the first regular meeting of each fiscal year.

Section 3-Officers:

(a) Selection. The Agency Board shall appoint the Chair and the Vice Chair by majority vote of the members of the Board.

(b) Succession. The Vice Chair shall act in the place of and have all the powers and duties of the Chair in the absence of the Chair as may be required by provisions of applicable law, the Bylaws, or by the direction of the Agency Board or the Chair. The alternate-Chair shall serve as Chair in the absence of the Chair and the Vice-Chair and shall perform such duties as may be required by provisions of applicable law, the Bylaws, or by the direction of the Agency Board or the Chair. In addition, the alternate Vice-Chair shall serve as Chair in the absence of the Chair, Vice-Chair and the alternate-Chair and shall perform such duties as may be required by provisions of applicable law, the Bylaws, or by the direction of the Agency Board or the Chair.

(c) Chair's Responsibilities. The responsibilities and powers of the Chair shall be as follows:

1. Preside at all meetings of the Agency Board and rule on all questions of order.
2. Call special meetings of the Agency Board in accordance with legal requirements, including the Brown Act, and the Rules of Procedure.
3. Sign documents on behalf of the Agency Board.
4. Direct appropriate action on items raised that are not listed on the Agency Board agendas.
5. Have the same rights and responsibilities as any Agency Board member.
6. Work with committees, as necessary, to develop and recommend policy

Section 4- Absence or Disqualification of Chair: In the absence of the Chair, or when the Chair is disqualified from participation or voting, the Vice Chair shall assume the responsibilities of the

Chair. In the event that both the Chair and Vice Chair, and their alternates, are absent or unable to participate, then the remaining Agency Board members shall select by majority vote a member to chair the meeting.

Section 5-Secretary: The Executive Director shall serve as the Secretary of the Agency Board. The Secretary will maintain a public record of the Agency Board resolutions, transactions, findings, and determinations, and shall prepare agendas and minutes of each Regular and Special meeting of the Agency Board. The Executive Director is not an Agency Board member and does not have voting rights.

Section 6-Vacancy: Upon a vacancy occurring in the office of the Chair, the Vice Chair shall assume the office of the Chair for the balance of the unexpired term. Upon a vacancy occurring in the office of the Vice-Chair, the Agency Board members shall elect, from among them, a Vice-Chair to serve the balance of the unexpired term.

ARTICLE 3-MEETINGS

Section 1-Conduct at Meetings: Except as herein or otherwise provided, the California Brown Act commencing with Government Code section 54950, et seq. and Robert's Rules of Order, Revised shall govern all proceedings of the Agency Board.

Section 2-Regular Meetings: The Agency Board shall hold regular meetings. At least one meeting will be held quarterly on the third Thursday of March, June, September and December. The time and the place of each meeting shall be determined by and the subject to the approval of the Agency Board members.

Notice of regular meetings shall be given to each member and alternate representative at least seven days before each meeting. The Agency Board agenda shall state the location of the meeting. The Chair will call the meeting to order.

Section 3-No Meeting on Holidays: Whenever the Agency Board meeting falls on a public holiday, no regular meeting shall be held. Such regular meeting may be rescheduled to another business day, or canceled at the direction of the Chair.

Section 4-Adjourned Meetings: The Chair may, with the approval of a majority of the members present, adjourn any meeting to a time and location of his or her choice, or to the next regularly scheduled meeting.

Section 5-Special Meetings: The Chair, at his or her discretion, or a majority of the Agency Board members, may call a special meeting. Each Agency Board member shall be notified, either personally or by written notice, at least twenty-four (24) hours before the meeting. No business except that specified in the notice shall be discussed at a special meeting.

Section 6-Notice of Meetings: The Chair shall direct the publication of notices of all meetings, public hearings, including notice to the media, as required by the Brown Act.

Section 7-Study Sessions and Workshops: Study sessions or workshops may be set only upon a majority vote of the members at a meeting. No official action shall be taken and no quorum shall be required. Such meetings shall be open to the public; and unless the Agency Board invites evidence or comments to be given, participation by interested members of the public shall not take place at such study sessions.

Section 8-Cancellation of Meetings: The Chair may cancel any regular or special meeting of the Agency Board if it is determined there is no significant business to be conducted, except upon objection by any Agency Board member.

Section 9-Committee Meetings: Except as herein or otherwise provided, the Standing and Special Committees of the Agency Board shall meet on the call of their Chair. Each committee member shall be notified of a meeting, either personally or by written notice, at least five days before the meeting.

ARTICLE 4-AGENDAS, ORDER OR BUSINESS

Section 1-Agendas: An agenda for each meeting of the Agency Board shall be prepared by assigned staff. The Executive Director shall determine the items to be placed on the agenda. Individual Agency Board members, may request items be placed on the agenda, upon approval of the Chair and submission of the item to the Executive Director.

Section 2 -Agenda- Order of Business: The following sequence shall be used in the preparation of agendas:

1. Welcome
2. Roll Call (silent)
3. Public Comment
4. Minutes of Previous Meeting
5. Correspondence
6. New Business
7. Committee Reports
8. Director Report
9. Member Referrals
10. Adjournment
11. Closed Session

The order of business may be altered at the Chair's discretion.

Section 3-Requests for Continuance of a Public Hearing: If a request is made for continuance, a motion may be made and voted upon to continue the public hearing to a definite date and time or to continue indefinitely. A motion may also be made and voted on to place the item anywhere under the "Public Hearing Items" heading on the agenda. Any person desiring to be heard on the item may be given an opportunity to make a presentation.

Section 4-Public Hearings: The Chair shall announce, open, request the staff report and preside over each public hearing conducted by the Agency. It shall be the duty of the Agency to make a decision on each matter presented. The Agency Board may accept, reject or modify the finding requested in the staff report.

Section 5-Conduct of Speakers: Each speaker shall be required to approach the microphone and give their name and address. The speaker may then proceed to offer information. However, speakers will be limited to the item under consideration and the Chair may rule out irrelevant and off-the-subject comments. The Chair will not tolerate any complaints regarding individual Agency Board members or the staff or any remarks of a personal nature during the public hearing. All comments shall be addressed to the Agency Board.

Section 6-Time Limits for Testimony: The Chair may limit the amount of time afforded to each speaker to five (5) minutes. In addition, the Chair may foreclose any testimony, which presents evidence which is repetitious, incompetent, irrelevant, immaterial, which constitutes offensive or inappropriate language or remarks of a personal nature.

Section 7-Closing of the Public Hearing: The Chair shall close the public hearing when it is determined that all solicited testimony has been received.

Subsequently, at the discretion of the Chair, persons in the audience may make comments if any matter was not previously discussed or introduced into the Hearing or if clarification is necessary.

Section 8-Discussing and Decision by the Agency: After the public hearing has been closed, the Agency Board members shall discuss the evidence presented and reach a decision on the item under consideration. The item may be continued to a future meeting if the Agency Board determines that additional information is required or additional time is necessary to consider oral and written testimony.

Section 9-Voting Requirements:

(a) A quorum shall consist of one-half the total number of Agency Board members entitled to vote, plus one. Each member Agency shall have one vote on the Agency Board. All votes shall be cast by the Agency Board member, or his or her alternate representative authorized to do so, for the member Agency that they represent. Such authorization shall be made known to the Executive Director of the Animal Services Agency at least 24-hours before each meeting of the Agency Board at which that alternate is to attend. No proxy, absentee, or fractional votes may be cast.

(b) A simple majority of the Agency Board members present is required for the Agency Board to take action, except to adjourn a regular meeting where a quorum is not present. A two-thirds majority of the Agency Board members shall be required to approve all fiscal matters and any other action requiring, under existing law, a 2/3 majority.

(c) In the case of a tie vote, the motion fails and a new motion is in order. If an alternative action is not possible, the item shall be considered denied.

(d) Agency Board members shall not vote on a motion unless they have been present during the entire hearing on the issue or have listened to the tape recording of that portion of the hearing presented in their absence.

(e) When a member of the Agency Board abstains from voting on any matter before it because of a potential conflict of interest, said abstention shall not constitute nor be considered as either a vote in favor or of opposition to the matter being considered.

Section 10- Disqualification from Voting: Agency Board members shall disqualify themselves from voting in accordance with the Conflict of Interest Code and all applicable laws and regulations. When members disqualify themselves they shall state prior to the consideration of the item to the Chair and inform the Chair the reason. The member must leave the room until the remaining members vote on the item.

Section 11-Closed Sessions and Confidential information:

(a) In accordance with Government Code section 54956.96 (a) (1) information received by an Agency Board member in closed session shall be confidential. That same information when provided to the city council or Board of Supervisors in closed session shall also be confidential. A member of the city council or Board of Supervisors may disclose the information, which has direct financial or liability implications, obtained in closed session to their legal counsel for advice and to other members of their city council or their Board of Supervisors present in a closed session.

(b) In accordance with Government Code section 54956.96(a)(2), if the designated alternate for an Agency Board member is also a city council member or Board of Supervisor member and who is attending a properly notice Agency Board meeting in lieu of the Agency Board member may attend closed sessions of the Agency Board.

Section 12-Records of Meetings: The Agency Board meetings shall be recorded by mechanical means and the Secretary shall take notes. When a request is made in writing for a stenographic record of a public hearing, the record shall be prepared and made available to the requesting party at cost. An advance deposit in the amount necessary for duplication will be required from the requesting party.

ARTICLE 5-COMMITTEES

Section 1-Standing Committees: The Standing Committees of the Agency Board shall be established upon approval of a majority of Agency Board members present at a regular meeting.

Section 2-Special Committees: The Chair or a majority vote of the Agency Board members present at a meeting may appoint additional committees as may be necessary or desirable.

ARTICLE 6-AMENDMENTS

Section 1-Amendments to Bylaws: These Bylaws may be amended by a two-thirds vote of those Agency Board members voting at a Regular Meeting of the Agency Board.

Section 2-Who may propose: Amendments to these Bylaws may be proposed by Agency Board member.

Section 3-Prior Notice of Proposed Amendment: In no case shall a vote on a proposed amendment be conducted unless the said proposed amendment has been submitted in writing by the Secretary to the Agency Board members, or their alternates at least fifteen (15) days before the meeting.

ARTICLE 7- EXECUTIVE DIRECTOR RESPONSIBILITIES

The duties and responsibilities of the Executive Director include:

9. Plans, organizes, implements and evaluates all operations relative to Animal Services within the jurisdiction of the Stanislaus Animal Services Agency.
10. Participates in internal and external committees, advisory groups, and related to the efficient operation and coordination of the Stanislaus Animal Services Agency.
11. Develops and implements Stanislaus Animal Services Agency policies and procedures and oversees the management, development and analysis to ensure authority-wide consistency with state and federal laws.
12. To hold animals needed by the city police as evidence in any matter being investigated or prosecuted for possible violation of state or local laws relating to animals.
13. Prepares reports and recommendations regarding implementation, revisions, or discontinuation of specific programs and services.
14. To impound any and all animals found running at large upon the streets, alleys or public places within the city and, having impounded such animals, if the owner of any such animal desires the release thereof, the Executive Director of Stanislaus Animal Services Agency shall release the same upon the payment of fees as provided by Board resolution. In the event any animal so impounded is not redeemed by the owner, then the Executive Director of Stanislaus Animal Services Agency is authorized to care for the animal as provided by state law for strays.
15. To collect and dispose of dead animals found in public places.
16. Develops the annual budget, monitors expenses and manages projects to their timely conclusion within budgetary guidelines.



**STANISLAUS ANIMAL SERVICES AGENCY
ACTION AGENDA SUMMARY**

AGENDA DATE: September 15, 2011

AGENDA #: 7-C

SUBJECT:

Approval to Authorize the Formation of an Advisory Committee

BACKGROUND:

Pursuant to California Government Code Section 6508, the governing body so created shall be empowered to delegate its functions to an advisory body for the purposes of program development, policy formulation, or program implementation.

The Stanislaus Animal Services Agency Advisory Committee is a new committee and is to serve in an advisory capacity to the Stanislaus Animal Services Agency Board and Stanislaus Animal Services Agency matters regarding the program related to citizens and animals under the jurisdiction of Stanislaus Animals Services Agency. However, the Committee shall not operate in a regulatory or authoritative capacity.

The goals of the Committee are to assist in developing public policies concerning animal issues such as shelter programs and services; and to assist in the goal setting and long-range planning for Animal Care.

With the approval of the Stanislaus Animal Services Agency Board, the committee shall be composed of seven (7) members of whom shall be voting members and to act in an advisory capacity and provide recommendations to the Stanislaus Animal Services Agency Board.

The recommended composition and selection of the Advisory Committee is as follows:

- One member representing each city/county partner will be selected by the respective Board Member (6 members)
- One member a licensed veterinarian (1 member)

The regular meeting of the committee shall be eight times a year during the months of January, February, April, May, July, August, October and November.

The Committee members will create and approve Bylaws which will be subject to approval of the Agency Board.

STAFF RECOMMENDATIONS:

2. Approval to Authorize the Formation of an Advisory Committee

FISCAL IMPACT:

There is no fiscal impact associated with the approval of this recommendation

AGENCY BOARD ACTION:

On motion of _____; Seconded by _____
and approved by the following vote:

Ayes: _____

Noes: _____

Excused or Absent: _____

Abstaining: _____

- 1) _____ Approved as recommended.
- 2) _____ Denied.
- 3) _____ Approved as amended.

Motion: _____



**STANISLAUS ANIMAL SERVICES AGENCY
ACTION AGENDA SUMMARY**

AGENDA DATE: September 15, 2011

AGENDA #: 7-D

SUBJECT:

Review and discuss the proposed new Animal Services Ordinance Model

BACKGROUND:

A new Animal Services model proposes a variety of necessary changes to establish uniform animal services codes and citation authority in the incorporated cities and unincorporated areas. A summary of the major code changes proposed is as follows:

1. Strikes all references to the word "pound" to animal shelter
2. Strikes all references to the word "director" to executive director
3. Strikes all references to the words "Stanislaus County Animal Services" and inserts Stanislaus Animal Services Agency
4. Creates new ordinances
 - a). Spay/Neuter Pit Bull breed dogs at 4 months of age.
 - b). Authorize Administrative Citations issued by Stanislaus Animal Services Agency

STAFF RECOMMENDATIONS:

3. Review and discuss the proposed new Animal Services Ordinance Model

FISCAL IMPACT:

There is no fiscal impact associated with the approval of this recommendation

AGENCY BOARD ACTION:

On motion of _____; Seconded by _____
and approved by the following vote:

Ayes: _____

Noes: _____

Excused or Absent: _____

Abstaining: _____

- 1) _____ Approved as recommended.
- 2) _____ Denied.
- 3) _____ Approved as amended.

Motion: _____

Title 7 ANIMALS

Chapter 7.04 GENERAL PROVISIONS

7.04.010 Stanislaus Animal Services Agency established.

7.04.020 Animal Shelter established.

7.04.030 Regulations establishment.

7.04.040 Enforcement.

7.04.050 Authority to pursue animal.

7.04.060 Authority to arrest and issue notices to appear.

7.04.070 Equipment to impound authorized.

7.04.080 Firearms authorized.

Chapter 7.08 DEFINITIONS

7.08.010 Generally.

7.08.020 Stanislaus Animal Services Agency.

7.08.030 Animal Shelter.

7.08.040 Animal Services Officer

7.08.045 Enforcement Official

7.08.050 Health Department.

7.08.060 Health officer.

7.08.070 Impoundment.

7.08.080 Kennel.

7.08.090 Licensing authority.

7.08.100 Owner.

7.08.110 Person.

7.08.120 Rabies vaccination.

7.08.130 Veterinarian.

7.08.140 Guide dog.

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7.12.020 Information on animal care.

7.12.025 Administrative Fines

7.12.030 Notice—Administrative hearings and appeal of administrative decision.

7.12.040 Animal Services Executive Director Supervision Authority.

7.12.050 Animal Services Executive Director Duties

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7.16.030 Animal restraint.

Chapter 7.20 DOG LICENSE

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7.20.015 License fees.

7.20.020 License—Tags.

7.20.030 License—Rabies vaccination certificate required.

7.20.040 Exemptions—Guide dogs, signal dogs and service dogs.

7.20.050 Exemption—Licensed under another jurisdiction.

7.20.060 Exemption—Medical treatment.

7.20.070 Exemption—Government ownership.

7.20.080 License Renewal or Suspension

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7.24.020 Kennel License—In lieu of individual licenses.

7.24.030 Kennel License—Application form.

7.24.040 Kennel License—Posting.

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[7.24.050 Kennel License—Operating requirements.](#)
[7.24.060 Kennel License—Suspension or revocation.](#)

Chapter 7.28 DANGEROUS ANIMALS

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Chapter 7.32 IMPOUNDMENT

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[7.32.070 Duration—Licensed dog.](#)
[7.32.080 Duration—Unlicensed dog.](#)
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[7.32.100 Duration—Other animals.](#)
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[7.32.120 Disposition of injured animal.](#)
[7.32.130 Owner redemption.](#)
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[7.36.020 Carcass delivery.](#)
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Chapter 7.50 ANIMAL SERVICE FEES

Note

[7.50.010 Animal service fees schedule.](#)
[7.50.020 Animal court fines and fees.](#)

Chapter 7.54 BREEDING, TRANSFERRING, LICENSING AND SPAYING AND NEUTERING OF DOGS AND CATS

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[7.54.040 Penalties.](#)

[7.54.050 Sale, adoption and other transfers of dogs and cats.](#)

[7.54.060 Mandating the Spaying and Neutering of Pit Bulls](#)

Chapter 7.04 GENERAL PROVISIONS

7.04.010 Stanislaus Animal Services Agency established.

The Stanislaus Animal Services Agency (SASA) is created by cities within the County of Stanislaus and County of Stanislaus on October 27, 2009. The Agency shall be administered by an animal services executive director, a position which is created in the unclassified service of the county, who shall be appointed by resolution of the board of supervisors upon the recommendation of the chief executive officer and hold office at the pleasure of the board. The salary of the animal services executive director and the staffing levels of the department of animal services shall be as determined by the Stanislaus Animal Services Agency. For purposes of this title, any reference to animal services executive director shall include his or her designee. (Ord. CS 237 §1, 1987: prior code §3-61).

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7.04.020 Animal Shelter established.

The board of supervisors shall establish a suitable animal shelter for impounding animals with the member agencies within the County of Stanislaus. (Prior code §3-62).

7.04.030 Regulations establishment.

The board of supervisors may establish by resolution, regulations for the administration and implementation of this title which may include a schedule of fees for licenses and for services provided in accordance with this chapter. Such regulations, when adopted, shall become and thereafter be a part of this title. A copy of the regulations established by resolution of the board of supervisors shall be filed with the clerk of the board and posted at the animal shelter. (Prior code §3-63).

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7.04.040 Enforcement.

The animal services executive director and his or her deputies and the county health officer and his or her deputies are empowered, and it shall be their duty, to enforce the provisions of this title. Any person whose duty it is to enforce the provisions of this title may at any reasonable time enter upon private property for such purpose. It is unlawful for any person to interfere with, oppose, or resist any authorized person enforcing this title. (Ord. CS 237 §2, 1987: prior code §3-64).

7.04.050 Authority to pursue animal.

Any person charged with the duty to enforce this title who is in pursuit of an animal, shall have the authority to go upon the property of the owner or other person, in order to impound such animal; provided, however, he shall not enter a dwelling without a search warrant and he shall exercise reasonable care to avoid causing damage to the property. (Prior code §3-65).

7.04.060 Authority to arrest and issue notices to appear.

Pursuant to the provisions of California Penal Code Section 836.5, the animal services executive director and his or her employees, the health officer and his or her employees, and a duly appointed state humane officer are authorized to arrest without a warrant and issue a written notice to appear whenever any such person has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his or her presence which is a violation of this title or a violation of any other ordinance or statute which he or she has the duty to enforce. (Ord. CS 237 §3, 1987: prior code §3-66).

7.04.070 Equipment to impound authorized.

Any person charged with the duty to enforce this title may use any humane equipment or device necessary to take up and impound an animal. (Prior code §3-67).

7.04.080 Firearms authorized.

The animal services executive director and such employees as he or she may specifically designate in writing are authorized to carry weapons when acting in the course and scope of their employment pursuant to Section 12031 of the Penal Code of the State of California. (Ord. CS 237 §4, 1987: prior code §3-68).

Chapter 7.08 DEFINITIONS

7.08.010 Generally.

The words and terms used in this title shall have the meaning stated as set forth in this chapter, unless the meaning is clearly intended to be otherwise. (Prior code §3-60 (part)).

7.08.020 Stanislaus Animal Services Agency.

Stanislaus Animal Services Agency means joint agency of multiple governments which is specifically charged with the regulation of animals and the enforcement of laws dealing with animals within the unincorporated territory of the county and the incorporated areas. (Ord. CS 237 §5, 1987: prior code §3-60(a)).

7.08.030 Animal Shelter.

“Animal shelter” means a facility operated by public jurisdiction for the impoundment, relinquishment, quarantine, and adoption or sale of animals. (Prior code §3-60(b)).

7.08.040 Animal Services Officer

“Animal Services Officer” means an officer whose duty is to enforce ordinances regulating the ownership of animals and to respond to incidents in which animals are involved.

7.08.045 Enforcement Official

Shall mean any employee with the authority to enforce the code and or applicable State Codes.

7.08.050 Health Department.

“Health department” means the health department of the county. (Prior code §3- 60(d)).

7.08.060 Health Officer.

“Health officer” means the Stanislaus County Director of Public Health or his/her duly authorized agents. (Prior code §3-60(e)).

7.08.070 Impoundment.

“Impoundment” means the taking up and holding of an animal by the animal services services executive director in accordance with the provisions of this chapter or other applicable laws or regulations. (Ord. CS 237 §7 1987: prior code §3-60(j)).

7.08.080 Kennel.

“Kennel” means a place where five or more dogs or cats over four months of age are kept for commercial or noncommercial purposes. The term “kennel” shall not apply to animal control shelters operated by governmental agencies, nonprofit societies for the care of stray animals or to veterinary hospitals. (Prior code §3-60(h)).

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7.08.090 Licensing authority.

“Licensing authority” means the ~~the Stanislaus Animal Services Agency~~ designated by resolution of the board of supervisors. (Prior code §3-60(l)).

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7.08.100 Animal Owner.

“Owner” means a person who owns, possesses, harbors or ~~provides care for~~ an animal for ~~fourteen~~ or more consecutive days, except a veterinarian or an operator of a kennel or a pet shop engaged in the regular practice of this business as such. (Ord. CS 679 §1, 1998: prior code §3-60(f)).

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7.08.110 Person.

“Person” means one or more human beings and all fictional entities such as corporations, estates, associations, partnerships and trusts. (Prior code §3-60(g)).

7.08.120 Rabies vaccination.

“Rabies vaccination” means the inoculation of an animal with a rabies vaccine approved by and in the manner prescribed by the California State Department of Public Health. (Prior code §3-60(k)).

7.08.130 Veterinarian.

“Veterinarian” means a person licensed to practice veterinary medicine in the state. (Prior code §3-60(i)).

7.08.140 Guide dog.

“Guide dog” means any guide dog or seeing-eye dog which was trained by a person licensed under the provisions of Chapter 9.5 (commencing with Section 7200) of Division 3 of the Business and Professions Code or as defined in the regulations implementing Title III of the Americans with Disabilities Act of 1990. (Ord. CS 679 §2 (part), 1998).

7.08.150 Signal dog.

“Signal dog” means any dog trained to alert a deaf person, or person whose hearing is impaired, to intruders or sounds. (Ord. CS 679 §2 (part), 1998).

7.08.160 Service dog.

“Service dog” means any dog individually trained to the requirements of the individual including but not limited to, minimal protection work, rescue work, pulling a wheelchair, or fetching dropped items. A “service dog” is also any dog individually trained to do work or perform tasks for the benefit of an individual with a disability, or any dog approved by the director of animal services, which he/she believes to come within the definitions listed, after consultation with knowledgeable professionals. (Ord. CS 679 §2 (part), 1998).

Chapter 7.12 ADMINISTRATION

7.12.010 Stanislaus Animal Services Agency records.

The animal services executive director shall keep records concerning the operation of the animal shelter as prescribed by regulations established pursuant to Section 7.04.030. (Ord. CS 237 §8, 1987: prior code §3-115).

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7.12.020 Information on animal care.

The animal services executive director is authorized to distribute to the people of the county brochures and information pertaining to care and control of animals. (Ord. CS 237 §9, 1987: prior code §3-116).

7.12.025 Administrative Fines.

Purpose of this section:

It is the purpose and intent of this chapter to provide an alternative method of enforcement for violations of the Code. An administrative fine program is an appropriate method of enforcement.

Any person violating any provision of the Animal Services Code or applicable State Code may be issued an administrative citation as provided in this chapter. The executive director or their designee shall have the authority to administer and enforce the provisions of this chapter.

A. Issuance of Administrative Citation. An Enforcement Official may, upon discovering that a person has committed a municipal ordinance violation, issue an administrative citation for violations of the Municipal Code or applicable State Code in the following manner:

1. Service of Citation by Mail, the administrative citation shall be mailed to the responsible person, by first class mail. Service shall be deemed effective pursuant to first class mail, provided the citation sent by first class mail is not returned.

B. Administration Citation Contents. To the extent the following information is reasonably available, the administrative citation shall:

1. State the date the administrative citation is issued;
2. State the current residential address, and mailing address;
3. Refer to the Code section(s) violated and describe how the offender violated the Code section(s);
4. State the date, approximate time, and address or definite description of the location where the violation(s) was discovered;
5. State the amount of fine imposed for the violation;

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6. Explain how to pay the fine, including the location and manner, as well as the time period by which the fine must be paid and the consequences of failure to pay the fine;

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7. Explain the procedure for obtaining an administrative hearing, specifically, notice that the offender must make a written request within fifteen (15) working days from the date the administrative citation is issued

8. Include a warning that a failure to pay the fine or a failure to request and appear at an administrative hearing may result in the penalties and; Include the name and signature of the Enforcement Official and, if possible, the signature of the offender

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7.12.030 Notice—Administrative hearings and appeal of administrative decision.

A. Notice of Hearing. The animal services administrative hearing, hereafter called animal court, shall be a public hearing. The hearings shall be held on the first Wednesday of each month. The person issued a notice of violation shall have at least thirty days from the date on the violation (the date of issuance) to appeal the violation. Upon receipt of the appeal, the matter will be set for hearing at the next animal court. Notice of the hearing shall be issued in person or by mail through the U.S. Postal Service.

The citizen requesting the hearing shall be responsible for the cost(s) of the hearing and will be required to leave a deposit in the amount shown in the fee schedule for the alleged violations, Stanislaus County Code, Chapter 7.50, unless a lesser amount is permitted to be deposited at the discretion of the executive director of Stanislaus Animal Services Agency. If the citizen fails to appear at the scheduled hearing, the deposit shall be forfeited and any additional fees owed for the alleged violations will be the citizen's responsibility to pay. If the citizen appears at animal court and is found guilty of the offense charged, the fees imposed by the animal court will be deducted from the deposit. If the fees imposed by animal court exceed the amount of the deposit, the citizen will be responsible to pay the difference. If the fees imposed are less than the deposit, the difference will be refunded to the citizen. If the citizen is determined to be not guilty, the deposit will be refunded.

B. Hearing Procedure. The following sets forth the procedural rules applicable to the administrative hearing:

At the date, time and place set for the hearing, one of three hearing officers, appointed by the JPA Board, in a fixed rotational order, shall hear testimony presented by both animal services and the citizen appealing the issuance of a citation. The citizen may challenge the hearing officer first assigned to the matter. As a result, the hearing may be continued until the next month to be held before the hearing officer next in order. The hearing officer shall review all evidence introduced at hearing of each alleged violation of Title 7 in order to determine whether the alleged citation conforms to the law and whether it is supported by substantial evidence. The animal court shall record the hearing in a suitable format and shall preserve the recording, all photographs and other documentary evidence introduced at the hearing for the thirty-six month (36) period immediately following closure of the hearing.

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The animal court shall render a written decision upon conclusion of the hearing, unless it is determined that further investigation into the matter is warranted. If this occurs, the matter will be continued until the next scheduled hearing at which time the new evidence shall be presented to the hearing officer and a decision shall be rendered. Any and all costs incurred by the SASA, including fines, shall immediately become payable to the SASA. Any person not making immediate payment shall be subject to approved county collection procedures.

The written decision rendered by the hearing officer shall contain findings of fact and conclusions of law. The decision shall also set forth the right to appeal the decision of the animal court to the JPA

Board. A copy of the decision shall be mailed, by certified mail, to the last known address of the alleged violator/owner(s) of the animal.

C. Appeal Procedure. Decisions of the animal court may be appealed to the Agency Board. The appeal shall be filed with the chair of the agency board within fifteen days after the mailing of the decision of the animal court provided the appellant follows the following steps:

1. Delivers to the secretary of, the agency board, within fifteen days after the decision is made a written appeal which clearly sets forth the reasons for the appeal; and

2. The appellant shall be responsible for the cost of the appeal and the record.

The agency board shall schedule the appeal for hearing within sixty days after the appeal is filed with the secretary of the board.

If upon appeal the agency board finds that no violation exists, then the costs of the appeal and the record shall be borne by the agency, and all assessed fees shall be refunded to the appellant.

D. Potentially Dangerous and Vicious Dogs. If a petition is to be filed alleging probable cause to believe that a dog is potentially dangerous or vicious pursuant to Food and Agricultural Code, Division 14, Chapter 9, commencing with Sections 31602 et seq., and specifically Section 31621, the petition shall be filed with animal court to hear and dispose of the petition. Animal court shall notify the owner or keeper of the dog that a hearing will be held under the provisions set forth Sections 31621 and 31622. In order that such hearing be timely held, the hearing may take place, after proper service of the notice and a copy of the petition, at a special session of animal court. An appeal from an animal court's determination on this issue shall be to Superior Court as set forth in Section 31622, not before the Board. (Ord. CS 966 §1, 2006; Ord. CS 869 §1, 2003; prior code §3-117).

7.12.040 Animal Services Executive Director—Supervision authority.

The animal shelter and staff of the Stanislaus Animal Services Agency shall be under the supervision of the Animal Services Executive Director. (Ord. CS 237 §11, 1987; prior code §3-70).

7.12.050 Stanislaus Animal Services Agencies Responsibility.

The animal services executive director is primarily responsible for the enforcement and administration of this title. His duties shall include but not be limited to the following:

A. To administer the animal shelter and keep such records as may be required by the board of Stanislaus Animal Services Agency;

B. To take up and impound animals when authorized by this Title;

C. To remove and dispose of the carcass of any animal found on any public highway, street, alley, or any other public place in the unincorporated area of the county and city partners;

D. To quarantine animals and to cooperate with the county health officer;

E. To administer licensing programs as delegated by the licensing authority. (Ord. CS 237 §12, 1987; prior code §3-71).

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7.12.040 License renewal or suspension.¶

. Whenever provision is made in this title for a license or permit, such license or permit shall be renewed annually thereafter or at the next succeeding regular renewal date and annually thereafter as provided by the licensing authority. The animal services director or the health officer may revoke or suspend a license whenever such action is necessary to protect the public health and safety or to accomplish the purposes of this title. (Ord. CS 237 §10, 1987; prior code §3-118).¶
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Chapter 7.16 ANIMAL CONTROL

7.16.030 Animal restraint.

A. No owner of any animal, wild or domestic, except the domestic cat, shall permit or suffer the animal to:

1. Be off a leash or to be restrained by a leash, which is more than eight feet in length, except that an animal need not be on a leash while it is on the premises of its owner nor while on other private property with consent of that owner. This subsection shall apply only in the unincorporated areas of the county designated by the board of supervisors as urban service areas pursuant to Chapter 1.16;

2. Enter upon private property without consent of the owner of the private property;

3. Habitually make loud noises;

4. Act in such other manner so as to constitute a public nuisance.

B. Nothing in this section shall prohibit the use of animals on school property for teaching, use for the blind, or other school purposes when permitted by school officials, or require a person to keep any animal in his possession on a leash if at the time the animal is restrained in a vehicle or cage. (Prior code §3-72).

Chapter 7.20 DOG LICENSE

7.20.010 License—Required.

Every person who owns, possesses, harbors or keeps a dog is required to purchase a license at four months of age. Within thirty days after any unlicensed dog over the age of four months is acquired or brought into the county, its owner shall obtain a license. (Prior code §3-74).

7.20.015 License fees.

Any person owning or having custody of any dog four months or older shall pay an annual license fee. The dog license fee shall be imposed on all dogs. The increased fees collected by the Stanislaus Animal Services Agency for unaltered dogs, less administrative costs, shall be used to support spay/neuter programs.

(Ord. CS 844 §1, 2003; Ord. CS 732 §1, 2000).

A. Any person owning or having custody of any unaltered dog who meets any of the following criteria shall pay a reduced unaltered annual license fee as listed in the fee schedule of this title:

1. An owner who owns or operates an actual livestock working ranch or livestock farming operation of more than two acres; or

2. An owner who registers and participates in an American Kennel Club (AKC), United Kennel Club (UKC), or other state or nationally recognized organization and is a member of a parent club or organization for the purposes of showing, training, agility trials, or hunting and provides documentation to Stanislaus Animal Services Agency of such membership and participation in the above animal activities.

B. If the owner fails to obtain the dog license required in this section, upon the expiration of the thirty days, the Stanislaus Animal Services Agency shall impose a twenty-five dollar late penalty on the owner of the dog. This penalty shall not be waived by animal services upon the transfer or abandonment of the dog by the non-compliant owner. This late penalty shall be imposed in addition to any other applicable

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. The animal control center and personnel of the department of animal services shall be under the supervision of the animal services director. (Ord. CS 237 §11, 1987; prior code §3-70).¶

7.16.020 Animal services director—Duties.¶

. The animal services director is primarily responsible for the enforcement and administration of this title. His duties shall include but not be limited to the following:¶

. A. . To administer the animal control center and keep such records as may be required by the board of supervisors;¶

. B. . To take up and impound animals when authorized by this title;¶

. C. . To remove and dispose of the carcass of any animal found on any public highway, street, alley, or any other public place in the unincorporated area of the county;¶

. D. . To quarantine animals and to cooperate with the county health (... [168])

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civil or criminal penalties and all penalties shall be placed in the Stanislaus County Alternative to Euthanasia (SCATE) Program to be used for spaying or neutering of cats and dogs.

~~C.~~ If the penalty mentioned in subsection ~~B.~~ of this section is not paid, and the owner fails to obtain the license required under ~~7.20.010~~ within fifteen days from the date when ~~Stanislaus Animal Services Agency~~ first notified the dog owner of the imposition of the penalty mentioned in subsection ~~B.~~, the continuing violation of the license requirement of this section becomes an additional infraction and may be prosecuted as such.

~~D.~~ The ~~Stanislaus Animal Services Agency~~ shall be responsible for the enforcement and administration of this chapter.

~~E.~~ A cat owner may voluntarily obtain a license for their cat.

7.20.020 License—Tags.

The licensing authority shall issue, upon proper application and payment of license fees, a serially numbered license tag stamped with the name of the county and the year of issuance. The owner shall provide a dog with a suitable collar or other device to which the license tag shall be attached. The animal services ~~executive~~ director shall keep a copy of the application or other records sufficient to establish the identity of the person that owns, ~~possesses, harbors, or keeps~~ the dog. (Ord. CS 237 §13, 1987; Ord. NS 1078 §1, 1982; prior code §3-75).

7.20.030 License—Rabies vaccination certificate required.

Each application for a dog license shall be on a form furnished by the licensing authority. An application for a license shall not be accepted unless a valid certificate of rabies vaccination by a licensed veterinarian covering the license period accompanies the application. (Prior code §3-76).

7.20.040 Exemptions—Guide dogs, signal dogs and service dogs.

Guide dogs, signal dogs, and service dogs as defined in Sections 7.08.140, 7.08.150 and 7.08.160 of the Stanislaus County Code, with a current rabies vaccination, shall be licensed without charges. (Ord. CS 680 §1, 1998; prior code §3-77(a)).

7.20.050 Exemption—Licensed under another jurisdiction.

A dog brought into the county which has been licensed in another county or city within the state shall not be subject to licensing provisions of this section as long as the license would be current and valid at its place of issuance or for one year, whichever is the lesser period. (Prior code §3-77(b)).

7.20.060 Exemption—Medical treatment.

Dogs brought into the county for the exclusive purpose of receiving medical care and in the custody of a licensed veterinarian need not be licensed. (Prior code §3-77(c)).

7.20.070 Exemption—Government ownership.

Dogs owned by the county, a city or other public agency shall be licensed without charge. (Prior code §3-77(d)).

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- Deleted: . If the cat owner voluntarily purchases a cat license, then the cat owner shall be eligible to receive a voucher for the spay/neuter identification program operated by Stanislaus Animal Services Agency. (Ord. CS 908 §1 (part), 2005).¶
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7.20.080 License renewal or suspension.

Whenever provision is made in this Title for a license or permit, such license or permit shall be renewed annually thereafter or at the next succeeding regular renewal date and annually thereafter as provided by the licensing authority. The animal services executive director or the health officer may revoke or suspend a license whenever such action is necessary to protect the public health and safety or to accomplish the purposes of this Title. (Ord. CS 237 §10, 1987; prior code §3-118).

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Chapter 7.24 KENNELS

7.24.010 **Kennel License—Required.**

No person shall, without first obtaining a **kennel** license, keep, conduct or operate any dog kennel, cat kennel, pet shop, zoo, animal rental establishment, riding academy, livery stable, boarding stable, pony ride, livestock auction or market, rodeo, pet show, animal exhibition, or any other use of animals for a commercial or noncommercial purpose. No license shall be required for an animal show or a use of animals which is sponsored and controlled by an organization which, under the discretion of the animal services **executive** director, has proper rules and procedures to prevent the abuse of animals. (Ord. CS 237 §13, 1987; Ord. CS 86 §1, 1984: prior code §3-80).

7.24.020 **Kennel License—In lieu of individual licenses.**

In lieu of securing the license required by Chapter 7.20 for each of the dogs in a kennel, a person owning or operating a kennel may obtain a kennel license covering all of the dogs in the kennel. Provisions of Sections 7.36.050 and 7.36.060 regarding vaccination for rabies shall be adhered to. Dogs owned or controlled by the kennel operator which are allowed outside the confines of the kennel shall be individually licensed as required by Chapter 7.20. (Prior code §3-81).

7.24.030 **Kennel License—Application form.**

Each application for a kennel license or other animal establishment license shall be upon a form furnished by the licensing authority. (Prior code §3-82).

7.24.040 **Kennel License—Posting.**

All licenses issued under this chapter shall be kept posted in a conspicuous place on the premises. (Prior code §3-83).

7.24.050 **Kennel License—Operating requirements.**

Upon filing an application for an original, or a renewal kennel or animal establishment license, the licensing authority shall issue such license, only after certification by the animal services **executive** director that:

- A. The keeping of animals, or the conduct or operation of business for which the license is requested and at the place set forth in the application will not violate any law or any regulation adopted pursuant to Section 7.04.030;
- B. The conduct or operation of the activity will not endanger the health, peace or safety of the community;
- C. The premises where animals are to be kept are clean and sanitary and that animals will not be subjected to suffering, cruelty or abuse;
- D. The applicant has not had a similar license revoked within one year prior to the application. (Ord. CS 237 §14, 1987: prior code §3-84).

7.24.060 ~~Kennel License—Suspension or revocation.~~

The licensing authority may revoke or suspend any license issued under this chapter upon recommendation of the animal ~~services~~ officer or health officer if it is found that the licensee, his agent or employee has been convicted of any offense involving a violation of California Penal Code Sections 596, 597, 598 and 599 or is in violation of this title or of any regulation adopted pursuant to Section 7.04.030. (Prior code §3-85).

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Chapter 7.28 DANGEROUS ANIMALS

7.28.010 Investigation.

Whenever an animal suspected of being vicious is reported, the animal services executive director or health officer shall investigate the circumstances and if he or she finds that the animal shows a propensity to attack, bite, scratch, or harass people or other animals without provocation, he shall notify the owner in writing, stating all the facts and circumstances. He or she may order that the animal be kept within a substantial enclosure, securely leashed or otherwise controlled. If the owner cannot provide restraint, the animal shall be temporarily impounded at the expense of the owner. At any time after seven days' impoundment for such purpose, the animal services executive director may, in his or her discretion, apply the provisions of Chapter 7.32. (Ord. CS 237 §15, 1987: prior code §3-96(part)).

7.28.020 Impoundment authorized.

If upon receiving written notification the owner fails to restrain or control a vicious animal, as ordered, the owner is in violation of this title and the animal services executive director is empowered to seize and impound or destroy the animal. (Ord. CS 237 §16, 1987: prior code §3-96(part)).

7.28.030 Licensing.

A. No person shall possess any animal not commonly kept or raised in the county as a domesticated animal and which is or may be, in the opinion of the animal services executive director, dangerous to the health and safety of any person, without first obtaining a license for the possession of the animal.

B. If the possession of the animal does not violate any federal or state law or zoning ordinance, a dangerous animal license may be issued.

C. Each application for a dangerous animal license shall be upon a form furnished by the licensing authority.

D. All licenses issued under this chapter shall be kept posted in a conspicuous place on the premises where the animal resides.

E. Upon filing an application for an original, or a renewal of a dangerous animal license, the licensing authority shall issue such license, only after certification by the animal services executive director that:

1. The keeping of a dangerous animal for which the license is requested, and at the place set forth in the application, will not violate any law or regulation;

2. The keeping of the dangerous animal will not endanger the health, peace, or safety of the community;

3. The premises where the dangerous animal or animals are to be kept are clean and sanitary and that the animals will not be subjected to suffering, cruelty, or abuse; and

4. The applicant has not had a similar license revoked within one year prior to the application.

F. Any license issued for a dangerous animal may be subject to such additional conditions as may be required by the animal services executive director.

G. A license shall not be issued, or if issued, shall be revoked, where, in the opinion of the animal services executive director, the possession of the dangerous animal will endanger the health and safety of one or more persons.

H. In the event that a license is denied or revoked, the owner shall, within the time designated and under the conditions required by the animal services executive director, dispose of the unlicensed animal. (Ord. CS 237 §17, 1987; Ord. CS 86 §2, 1984; prior code §3-97).

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Chapter 7.32 IMPOUNDMENT

7.32.010 Authorized.

Any animal ~~that~~ the animal ~~services~~ officer has reasonable cause to believe is engaged in activities, or existing in a condition prohibited by this title, shall be impounded. (Prior code §3-90).

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7.32.020 Notice—Required.

Except as otherwise provided in this chapter, no animal impounded shall be disposed of until and after notice is given by the animal control officer to the owner of the impounded animal, if he/~~she~~ is known. (Prior code §3-91(a)).

7.32.030 Notice—Form.

The notice to the owner shall be in writing and shall contain a description of the animal impounded and the date and place of impoundment and the license tag number, if available. (Prior code §3-91(b)).

7.32.040 Notice—Service.

Notice to the owner may be served by delivering a copy to the owner of the animal personally, or by sending a copy by mail to the address provided on the application for license, or if the animal is unlicensed then to the owner's place of residence or last known address. (Prior code §3-91(c)).

7.32.050 Notice—Completion of service.

Service of notice by mail is deemed complete on the day after such mailing. (Prior code §3-91(d)).

7.32.070 Duration—Licensed dog.

All impounded dogs found wearing a current license tag or bearing an identification tattoo shall, unless sooner redeemed, be kept in the animal ~~shelter~~ for a period of not less than seven days after notification. (Prior code §3-92(a)).

7.32.080 Duration—Unlicensed dog.

All impounded dogs found not wearing a current license tag shall, unless sooner redeemed, be kept in the animal control center for a period of not less than four days. (Prior code §3-92(b)).

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7.32.060 Notice—Unlicensed, tattooed animal. ¶

.. If an impounded animal bears an identification tattoo but has no license tag and the owner is unknown, the animal shall be held for seven days. (Ord. CS 846 §1, 2003; prior code §3-91(e)).¶

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7.32.090 Duration—Livestock.

Any impounded animal ~~that~~ is a kind referred to in Section 17003 of the Agriculture Code (bovine animal, horse, mule or burro) shall be kept in the animal ~~shelter~~ for at least fourteen days, unless it is redeemed within that period. If the animal is a bovine animal and is not redeemed, it shall be turned over to the State Bureau of Livestock Identification for disposition by that office. (Ord. CS 847 §1, 2003; prior code §3-92(c)).

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7.32.100 Duration—Other animals.

Any other impounded animal shall, unless sooner redeemed, be kept in the animal ~~shelter~~ for at least four days, unless the animal was seized pursuant to an illegal activity. In those cases where an animal

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is seized pursuant to an illegal activity, and where no owner is known or identified, there is no required holding period, and the animal services officer may dispose of the animal as provided herein. (Ord. CS 682 §1, 1998: prior code §3-92(d)).

7.32.110 Voluntary surrender.

Any animal which is voluntarily surrendered to or deposited with the animal shelter or the animal services officer by the owner shall immediately thereafter become the property of Stanislaus Animal Services Agency for the purposes of Sections 7.32.140 and 7.32.150.

A fee shall be paid by the owner of any animal that is voluntarily surrendered to or deposited with the animal shelter, if that owner's primary residence is not located within a jurisdiction served by Stanislaus Animal Services Agency. (Ord. CS 1057 §1, 2009; prior code §3-92(e)).

7.32.120 Disposition of injured animal.

A veterinarian who receives an injured animal under the provisions of Section 597(f) of the Penal Code shall promptly notify an animal services officer of his disposition of such animal. If the animal is given care and treatment, the waiting period before euthanasia of the animal shall be the same as the duration of impoundment provided by this chapter. (Prior code §3-92(f)).

7.32.130 Owner redemption.

The owner or person entitled to custody or control of any impounded animal may, at any time before the sale or disposition of the animal, redeem such animal upon complying with the conditions and paying the scheduled fees established by resolution of the board of Stanislaus Animal Services Agency. (Prior code §3-93).

7.32.140 Disposal authorized.

Except as otherwise provided in this chapter, an impounded animal which is not redeemed within the specific holding period shall be considered to be abandoned by its owner and shall become the property of the agency. (Prior code §3-94(a)).

7.32.150 Sale of animal.

Except as otherwise provided in this chapter, an impounded animal, which is not redeemed within the applicable holding period specified in this chapter, or an animal voluntarily surrendered to the Stanislaus Animal Services Agency, or an animal that has been impounded for quarantine or is known to have bitten a human or to have demonstrated dangerous or vicious propensities, may, at the discretion of the animal services executive director, be sold for its fair market value as determined by the animal services executive director and, upon reasonable conditions as the animal services director finds appropriate, may be euthanized.

7.32.160 Diseased or injured animal.

Notwithstanding any provisions of this chapter, an impounded animal, which is determined by the health officer or a veterinarian to constitute a health or safety hazard, shall be destroyed or otherwise disposed of without delay by the animal services officer or the veterinarian. An impounded animal, which is determined by a veterinarian to be suffering extreme pain due to disease or injury, and there is no reasonable probability that the animal will recover from its disease or injury, may be destroyed without delay by the animal services officer or the veterinarian. (Prior code §3-95).

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7.32.170 Adopted dogs and cats—Microchip, required.

All dogs and cats adopted from the animal shelter to new homes shall be implanted, prior to the animal leaving the shelter, with a microchip, provided by Stanislaus Animal Services Agency. The identification number provided by the microchip, shall be maintained on file at the animal shelter, for future identification purposes. (Ord. CS 683 §1, 1998).

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7.32.180 Reclaimed dogs and cats—Microchip, required.

Any dog or cat impounded under authority of this chapter, which has no current license or any other visible means of permanent identification, such as a tattoo, shall be, upon identification and reclaim by its owner, implanted with a microchip, provided by Stanislaus Animal Services Agency.

In addition, any dog which has been identified by the Stanislaus Animal Services Agency as a "bite dog" (a dog that has previously bit a person or another animal) will be implanted with a microchip, provided by Stanislaus Animal Services Agency, regardless of whether the dog has been licensed or not.

The cost of the microchip and the service to implant the microchip is to be determined by resolution of the board of Stanislaus Animal Services Agency, and shall be paid by the animal's owner, before the animal is released. The identification number provided by the microchip, shall be maintained on file at the animal services shelter, for future identification purposes. (Ord. CS 731 §1, 2000; Ord. CS 683 §2, 1998).

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7.32.190 Fine for impounded nonspayed or unneutered dog.

The owner of a nonspayed or unneutered dog that is impounded at the animal shelter, shall be fined as set forth in Chapter 7.50. These fines are for unaltered impounded dogs only, and are not in lieu of any fines or impound fees imposed by Stanislaus Animal Services Agency.

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An animal control officer, humane officer, police officer, peace officer, or any agency authorized to enforce the Penal Code may write citations with a civil penalty stated in an amount corresponding to the violation as provided above. The fines shall be paid to Stanislaus Animal Services Agency and shall be collected at the animal shelter. Any funds collected under this section shall be expended for the purpose of humane education, programs for low cost spaying and neutering of dogs, and any additional costs incurred by the animal shelter in the administration of requirements of this section. The scheduled license fee for dogs is set forth in Chapter 7.50, the California Food and Agriculture Code. (Ord. CS 845 §1, 2003; Ord. CS 733 §1, 2000).

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Chapter 7.36 RABIES CONTROL

7.36.010 Quarantine.

A. An animal services officer shall assure that all animals falling into the following categories are isolated or quarantined at the place and under the conditions prescribed by the health officer and pertinent state laws and regulations:

- 1. Known rabid animals;
- 2. Suspected rabid animals;
- 3. Animals that have bitten or otherwise exposed a human to rabies;
- 4. Animals of a species subject to rabies, which have been bitten by a known rabid or suspected rabid animal or have come in close contact with a rabid or suspected rabid animal.

B. It is unlawful for the owner or guardian of an animal to violate any of the conditions of isolation or quarantine prescribed by the health officer. (Prior code §3-100).

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7.36.020 Carcass delivery.

Upon the death of any rabid animal, clinically suspected rabid animal, or animal which has bitten or otherwise exposed a human to rabies, the animal services officer shall obtain and turn over to the health officer the carcass of such animal or an adequate specimen thereof. (Prior code §3- 101).

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7.36.030 Epidemic—Declaration.

The health officer may determine and declare that a rabies epidemic or other unusually dangerous health situation exists among dogs or other animals in the county, or in any part thereof. Upon making such a declaration, the health officer shall prepare and promulgate, with the approval of the board of supervisors, such rules and regulations as may be necessary for the control of persons and animals within the area where the dangerous conditions exist. (Prior code §3-102(part)).

7.36.040 Epidemic—Rules enforcement.

It shall be the duty of the animal services officers to comply with all directives of the health officer in the enforcement of the rules and regulations. The rules and regulations, when adopted, shall become and thereafter be a part of this chapter. (Prior code §3-102(part)).

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7.36.050 Vaccination—Required.

Every dog shall have a medically current vaccination with an antirabies vaccine approved by the Health Department of the state. The vaccination shall be administered by a veterinarian or as provided through county recognized clinics, and a certificate of vaccination shall be issued to the owner. The certificate of rabies vaccination which accompanies the license application shall be valid if in compliance with the following immunization schedule:

- A. Primary Immunization. Primary immunization shall be defined as the initial inoculation of an approved canine rabies vaccine administered to young dogs between the ages of four to twelve months.
- B. Revaccination Intervals. The interval for revaccination of dogs administered primary immunization between the ages of four to twelve months will be twelve months. The interval for primary or

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revaccination of dogs administered rabies vaccine over the age of twelve months shall be at least once every three years. (Ord. CS 170 §§1, 2, 1986: prior code §3-103(part)).

7.36.060 Vaccination—Exemption.

Notwithstanding the provisions of Section 7.36.060, no dog need be vaccinated for rabies where a licensed veterinarian has certified that the vaccination would endanger the dog’s health and the health officer endorses on the certificate his approval. The certificate must bear the date of issuance and must be renewed each year. (Prior code §3- 103(part)).

7.36.070 Vaccination—Public clinic.

The health officer, in cooperation with ~~SASA~~ and the animal ~~services~~ officer, shall establish public dog vaccination clinics at least once each calendar year. The charge for vaccination at such clinics shall not exceed the actual cost involved. (Prior code §3-104).

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7.36.080 Animal bite—Victim report.

Any person or parent or guardian of such person, or an owner of an animal, bitten or scratched by an animal of a species subject to rabies shall immediately report such incident to the health officer or the animal ~~services~~ officer. (Prior code §3-105(a)).

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7.36.090 Animal bite—Medical report.

Every veterinarian and every person providing professional medical treatment for animal bite by an animal of a species subject to rabies shall immediately notify the health department whenever rabies is suspected. (Prior code §3-105(b)).

Chapter 7.40 UNLAWFUL USE OF ANIMALS

7.40.010 Games prohibited.

It is unlawful for any person, firm or corporation to offer to the public that game known as "loopaduck," or other game employing live animals, whether for consideration or otherwise, regardless of whether merchandise, money or other premiums are given as a reward. (Prior code §3-110).

Chapter 7.44 DEAD OR ABANDONED ANIMALS

7.44.010 Abandonment unlawful.

It is unlawful for any person to abandon any animal whether dead or alive. (Prior code §3-98)

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7.44.020 Dead animal disposal.

The owner of a dead animal shall, within a reasonable time, provide for the burial, or incineration in a manner approved by the animal services officer or other disposition of the carcass in a safe and sanitary manner. The owner may request animal services to dispose of the animal at a fee fixed by resolution by the agency board. The animal services officer shall be responsible for disposal of all dead animals whose ownership cannot be established. (Prior code §3-99).

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Chapter 7.48 VIOLATION—PENALTY

7.48.010 Infractions.

Any person violating any provision of Chapters 7.04 through 7.32, Chapter 7.44 and/or Chapter 7.54 is guilty of an infraction and upon conviction thereof is punishable as set forth in Section 1.36.020; provided, however, the maximum fine shall not exceed three hundred dollars. (Ord. CS 909 §1, 2005; Ord. CS 705 §14, 1999; prior code §3-119).

7.48.020 Misdemeanors.

Any person violating any provision of Chapter 7.36 or Chapter 7.40 is guilty of a misdemeanor and upon conviction thereof is punishable as set forth in Section 1.36.010. (Ord. CS 705 §15, 1999; prior code §3-120).

7.48.030 Each day a separate offense.

Every person violating any provision of this title shall be deemed guilty of a separate offense for each day, or portion thereof, during which such violation continues. (Prior code §3-121).

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Chapter 7.50 ANIMAL SERVICE FEES

Note

* Prior ordinance history: Ord. CS 843.

7.50.010 Animal service fees schedule.

The animal services fees and fines referred to and applied in this title and its chapters are set forth in the current Stanislaus ~~Animal Services Agency~~ fee schedule, which is periodically reviewed and amended by ~~resolution by the agency board~~, (Ord. CS 1043 § 1, 2008; Ord. CS 909 § 2, 2005; Ord. CS 887 § 1 (part), 2004).

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7.50.020 Animal court fines and fees.

Violations of this title and its chapters will have the animal court fines and fees applied as set forth in the current Stanislaus ~~Animal Services Agency~~ fee schedule, which is periodically reviewed and amended by ~~resolution by the agency board~~, (Ord. CS 1043 § 2, 2008; Ord. CS 887 § 1 (part), 2004).

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Chapter 7.54 BREEDING, TRANSFERRING, LICENSING AND SPAYING AND NEUTERING OF DOGS AND CATS

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7.54.010 Purpose of regulations.

The board of supervisors finds and declares that there exists a pet overpopulation problem in the County of Stanislaus that has resulted in a threat to public safety and health, inhumane treatment of animals, mass euthanasia of dogs and cats at the local animal shelters and escalating costs for animal care and control. The board of supervisors further finds that uncontrolled breeding is a contributing cause to this problem. The board of supervisors further finds that part of the solution is for all dogs four months or older to be licensed and spayed or neutered, unless the owners purchase the appropriate licenses/permits for the privilege of maintaining the animal intact and allowing it to breed. The board of supervisors also finds that an increase in the license fee for unaltered dogs will encourage dog owners to spay/neuter their dog(s) in order to qualify for the lower altered dog license fee. Further, the board of supervisors finds that regulating the breeding and transfer of dogs and cats will help alleviate the county's pet overpopulation problem. (Ord. CS 908 §1 (part), 2005).

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7.54.020 Animal ownership.

A. "Animal owner," for purpose of this chapter, means any person harboring, keeping or providing care or sustenance to a domestic animal for fourteen (14) or more days on property within the jurisdiction of Stanislaus County. Such a person shall be subject to the requirements of this chapter. This definition does not apply to government agencies, animal rescue organizations which have demonstrated to the Stanislaus Animal Services Agency that they have implemented an ongoing spay/neuter program as well as an adoption program, or humane societies or societies for the prevention of cruelty to animals if such societies are incorporated under the provisions of California Corporations Code Section 10400 and the Nonprofit Public Benefit Corporation Law in Part 2 of the California Corporations Code, beginning at Section 5110 and successor sections, or persons who provide licensed boarding, kennel, training, or veterinarian services for the owners of dogs and cats.

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B. Subsection (A) of this section shall not be interpreted to apply to a person caring for barn cats or a colony of feral cats if such person:

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1. Registers with the Stanislaus Animal Services Agency as a caretaker for barn cats or feral cats;
2. Regularly feeds or arranges for the feeding of the cats, including on weekends and holidays;
3. Traps or makes a reasonable effort to trap all barn or feral cats over the age of seven weeks in his/her care, and has them spayed or neutered;
4. Makes a reasonable effort to test all trapped cats for feline leukemia and FIV and has those who test positive humanely euthanized or isolated indoors;
5. Identifies barn or feral cats that have been spayed or neutered by means of ear notching, ear tipping, or ear tagging; and
6. Has all trapped cats vaccinated according to state and local laws. (Ord. CS 908 §1 (part), 2005).

7.54.030 Litter permit.

A. No person shall cause or allow any dog or cat owned, harbored or kept within the county of Stanislaus to breed without first obtaining a litter permit. The term litter permit means a written authorization, issued annually by the executive director of Stanislaus Animal Services Agency or his or her designee, giving its lawful holder permission to breed a dog or a cat.

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B. Each litter permit shall be valid for one year from the date of issuance, and may be renewed annually before its expiration date. Each applicant for a litter permit shall pay an annual fee as prescribed by the board of supervisors and set forth in the fee section of this title.

C. The Stanislaus Animal Services Agency shall administer an animal litter permit program to allow the breeding of unaltered dogs and cats consistent with criteria and according to procedures established by the executive director of animal services. Under no circumstances shall such a litter permit be issued to a person who has been convicted of animal cruelty or neglect.

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D. In addition to the criteria and procedures established by the executive director of animal services, litter permits shall contain the following terms and conditions:

1. The owner of an unaltered female dog or cat shall not allow the whelping of more than one litter per animal in any household within the permit year. Notwithstanding this provision, the executive director of animal services or his or her designee is hereby authorized, upon application of a permittee, to allow on a one-time basis the whelping of up to two dog or cat litters per breeding animal within any domestic household within a permit year, if the permittee established, according to regulations promulgated by the executive director of animal services, including a veterinarian verification of health status that such breeding is required due to the health of the animal. In the event that a permittee is forced to euthanize a litter of dogs or cats, the executive director of animal services or his or her designee may authorize the whelping of one additional litter of dogs or cats within the same permit year by the permittee;

2. No offspring may be sold, adopted, bartered, or otherwise transferred, whether for compensation or otherwise, until it has reached the age of at least seven weeks and the offspring have received its first immunization against common diseases;

3. Any holder of a litter permit who advertises to the public the availability of any dog or cat for sale, adoption, or transfer, whether for compensation or otherwise, must prominently display the litter permit number in any such advertisement. Further, the litter permit holder must provide the permit number to any person who purchases, adopts or receives any animal from the permit holder and include the permit number on any receipt of sale or transfer document;

4. Commercial establishments selling locally bred dogs or cats shall prominently display the litter permit number(s) of the breeder(s) whose dogs and cats are sold in such establishments and any other pertinent information required by the executive director of animal services or his or her designee; commercial establishments selling dogs and cats which were not bred within the county of Stanislaus shall prominently display the name and address of the breeder(s) of such dogs and cats and any other pertinent information required by the executive director of animal services;

5. Any litter permit holder selling or otherwise transferring a dog or cat, whether for compensation or otherwise, shall maintain records for a period of three years containing the name, address, and telephone number of the animal's new owner on an animal services' approved form;

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6. Any litter permit holder or commercial establishment which sells or otherwise transfers a dog or cat, whether for compensation or otherwise, shall provide to the new animal owner written information regarding the license and permit requirements of the county of Stanislaus applicable to such animal; and

7. Any litter permit holder shall have his/her dog or cat microchipped or have some other form of identification acceptable to animal services and shall register the dog or cat with Stanislaus Animal Services Agency.

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E. The following animals are exempt from the litter permit requirements:

1. Dogs documented as having been appropriately trained and actively used by law enforcement agencies for law enforcement and rescue activities;

2. Dogs documented as guide, signal, or service dogs pursuant to California Penal Code Section 365.5(d), (e) and (f) and successor sections;

3. Dogs and cats under the care of governmental animal control agencies; animal rescue organizations which have demonstrated to Stanislaus Animal Services Agency that they have implemented an ongoing spay/neuter plan, as well as an adoption plan; or humane societies or societies for the prevention of cruelty to animals, if such societies are incorporated under the provisions of California Corporations Code Section 10400 and the Nonprofit Public Benefit Corporation law in Part 2 of the California Corporations Code, beginning at Section 5110, and successor sections; and

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4. Dogs documented as enrolled in a guide, signal or service dog breeding program administered by a person licensed under Chapter 9.5 (commencing with Section 7200) Division 3 of the California Business and Professions Code. (Ord. CS 908 §1 (part), 2005).

7.54.040 Penalties.

A. Any cat or dog owner found by Stanislaus Animal Services Agency to be in violation of the litter permit provisions of this section may correct the violations by obtaining the necessary permit(s) mentioned in this section, no later than thirty days from the date when animal services had first notified the owner of the violation. Should the owner fail to correct the violations in the manner described above, the department shall impose a five hundred dollar penalty on the dog or cat owner. Notice of this penalty shall be served by SASA on the dog or cat owner by mail. The penalty shall not be waived by the SASA upon the transfer or abandonment of the dog or cat by the non-compliant owner. This penalty shall be imposed in addition to any other applicable civil or criminal penalties.

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If the penalty mentioned in subsection A of this section is not paid and the owner does not microchip or has some other form of identification acceptable to Stanislaus Animal Services Agency, spay or neuter his/her dog(s) or cat(s) or obtain the litter permit(s) within fifteen days from the date when animal services first notified the owner of the imposition of a penalty, the continuing violation of the litter permit requirement of this section becomes an additional infraction and may be prosecuted as such.

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B. Any litter permit issued pursuant to Section 7.54.040 may be revoked if the executive director of animal services or his or her designee has reasonable cause to believe any of the following to be true:

1. The permittee has violated any ordinances relating to the keeping, care or use of any animal;

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2. The permittee is in violation of any state health or safety law or regulation regarding animal care or control;

3. The permittee has failed to comply with any condition or requirement of the permit or has failed to pay any fee imposed under this code;

4. The permittee refused to allow inspection, upon forty-eight hours written notice, of any animal covered by the permit or the premises on which the animal is kept; or

5. The permittee has transferred, sold or otherwise disposed of the animal for which the permit was originally issued.

C. If, after inspection, the executive director of animal services or his or her designee concludes that it is probable that one or more of the above grounds for revocation has occurred, it shall cause written notice thereof to be transmitted by mail to the address of the litter permittee. The notice shall specify the grounds of possible revocation of the litter permit and shall specify a date and time for an informal hearing to be held before the director of animal services or his or her designee. The date shall be

not less than five days subsequent to the date the notice is mailed. After the informal hearing, the executive director of animal services may modify the terms of the litter permit or revoke the litter permit.

D. The litter permittee may appeal the decision of the executive director of animal services or his or her designee to the animal court if the permittee gives written notice of such appeal within five working days of the decision.

E. Failure to comply with any of the requirements mentioned in Sections 7.54.020, 7.54.030, 7.54.040, 7.54.060 and 7.54.070 of this chapter is an infraction punishable by a one hundred dollar fine for the first occurrence, two hundred dollars for the second occurrence and three hundred dollars for each subsequent occurrence. (Ord. CS 908 §1 (part), 2005).

7.54.050 Sale, adoption and other transfers of dogs and cats.

A. Any person who offers or provides, whether for compensation or otherwise, any dog or cat for sale or other type of transfer, shall disclose the transferee information regarding the dog license and permit requirements of Stanislaus Animal Services Agency applicable to the transferred animal.

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B. No person shall present any unaltered dog or cat under six months of age for sale, barter, exchange, or adoption, whether for compensation or otherwise, in any public place, without first obtaining a litter permit pursuant to Stanislaus County Code Section 7.54.040. The term public place shall include, but not be limited to, streets, highways, sidewalks, parks, carnivals, shopping malls, flea markets, boardwalks, and areas in front of commercial establishments. This prohibition shall not apply to:

1. Government agencies; non-profit animal rescue organizations exempt from taxation under Internal Revenue Code Section 501(c)(3); or humane societies or societies for the prevention of cruelty to animals if such societies are incorporated under the provisions of California Corporations Code Section 10400 and the Nonprofit Public Benefit Corporation Law in Part 2 of the California Corporations Code, beginning at Section 5110;

2. Show dogs or show cats; or

3. Pet stores which sell or otherwise transfer dogs or cats, whether for compensation or otherwise, within the store.

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C. No person shall give away any dog or cat as a prize or as an inducement to enter into any contest, lottery, drawing, game or competition.

D. No person shall give away any dog or cat as an inducement to enter a place of business, or to enter into a business arrangement.

E. No person shall sell, barter, exchange or offer for adoption, whether for compensation or otherwise, any dog or cat to any minor under the age of eighteen years without the written permission of one of the minor's parents or legal guardians.

F. Commercial establishments selling dogs and cats, which were not bred within the County of Stanislaus, shall prominently display the name and address of the breeder(s) of such dogs and cats and any other pertinent information required by the executive director of animal services or his or her designee.

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G. Failure to display the litter permit number or include it in any advertisement for sale, adoption or other transfer of dogs and cats is an infraction punishable by a one hundred dollar fine for the first occurrence, two hundred dollars for the second occurrence and three hundred dollars for each subsequent occurrence. Each day a violation occurs is a separate violation.

H. Possession of a valid permit under this section of this chapter does not entitle the litter permit holder to engage in an activity that is otherwise prohibited by law. (Ord. CS 908 §1 (part), 2005).

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7.54.060 Mandating the Spaying and Neutering of Pit Bull Dogs

DEFINITION OF PIT BULL

Purpose of this Section: Pit Bull dog breed is euthanized more than any other breed at SASA.

(a) Definition. Whenever the word "Pit Bull" is used in this Title it shall mean that any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the physical traits of any one or more of the above breeds, or any dog exhibiting those distinguishing characteristics that conform to the standards established by the American Kennel Club ("AKC") or United Kennel Club ("UKC") for any of the above breeds. The AKC and UKC standards for the above breeds are listed on their websites

(b) Determination of Breed. If an owner, guardian or keeper is unsure as to whether or not his/her unspayed and unneutered dog is a pit bull, she/he may make an appointment with the SASA at which a staff member shall make a determination as to whether or not the dog is a pit bull. If the dog owner, guardian or keeper wishes to appeal the determination that the dog is a pit bull, within five business days of the staff member's determination she/he may request a hearing before the executive director or his/her designee. The hearing shall be held no more than 30 days after the executive director receives the request. The hearing may be informal and rules of evidence not strictly observed. The decision of the executive director or his/her designee is final

MANDATORY SPAYING AND NEUTERING OF PIT BULLS; EXCEPTIONS.

No person may own, keep, or harbor any dog within the County that the person in (c). The pit bull has been present in the County of Stanislaus for less than thirty days;

(d). The owner, guardian or keeper has obtained, or has submitted an application for a litter permit in accordance with Chapter 7.54 of the Stanislaus County Code;

(e). Determination of breed is under appeal pursuant to Section b. above.

(f). The pit bull is a show dog. Within 30 days of the operative date of this ordinance, or within 30 days of taking possession or ownership of an unspayed or unneutered pit bull, the owner, guardian or keeper must submit a copy of the organization papers (AKC or UKC) to the Stanislaus Animal Services Agency demonstrating the pedigree information and show dog registration and that the dog conforms with the same breeding permit guidelines

PENALTIES

charged with a second violation under (b), below.
(4). In the event that the Executive Director or his/her designee determines that payment of any fees by the owner, guardian or keeper of a pit bull which is impounded or otherwise taken into custody would cause extreme financial difficulty to the owner, guardian or keeper, the Executive Director or his/her designee may, at his/her discretion, waive all or part of the fees necessary for compliance with this section.

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- . A. . Any person owning or having custody of any dog four months or older shall pay an annual license fee. The license fee for dogs shall be established by the board of supervisors and listed in the license fee section of this title. The increased fees collected by the department of animal services for unaltered dogs, less administrative costs, shall be used to pay for vouchers to support spay/neuter programs.¶
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- . F. . A cat owner may voluntarily obtain a license for their cat. If the cat owner voluntarily purchases a cat license, then the cat owner shall be eligible to receive a voucher for the spay/neuter ide (... [179])
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(a). A second violation of this section by the owner, guardian or keeper, shall be a misdemeanor punishable by imprisonment in the County Jail for a period not to exceed six months or by a fine not to exceed \$500. A first violation may result in SASA impounding the pit bull and disposing of the pit bull in accordance with Chapter 7.32 of the Stanislaus County Code. A first violation shall be an infraction punishable by a fine not to exceed \$500. In order for the owner, guardian or keeper to reclaim the pit bull from SASA, in addition to paying the other charges and fees set out in Chapter 7.50, one of the following must occur:

(1). SASA shall have a veterinarian spay or neuter the dog. The dog owner, guardian or keeper shall be responsible to pay all costs prior to the procedure and will be charged the fee for such services consisting of the actual expense incurred as established by SASA. There may be additional fees for any extraordinary care provided.

(2). In the alternative, the owner, guardian or keeper shall arrange for another veterinarian within the County of Stanislaus to spay or neuter and shall pay a field service charge, which shall cover the SASA's costs of delivering the dog to a vet of the owner, guardian or keeper's choosing. SASA shall deliver the dog to the vet, and the vet shall release the dog to the owner, guardian or keeper only after the spaying or neutering is complete.

(3). At the discretion of the Executive Director, or his/her designee, the Executive Director may release the dog to the owner, guardian or keeper provided that the owner, guardian or keeper signs an affidavit that s/he will have the dog spayed or neutered within two weeks and will provide documentation verifying that the spaying or neutering occurred upon completion. If the owner, guardian or keeper fails to have his/her pit bull spayed or neutered as agreed in the affidavit, the Agency shall have the authority to impound the dog, and the owner, guardian or keeper may be fined \$1,000, or by both such fine and imprisonment. In addition, a second violation may result in the Agency impounding the pit bull and disposing of the pit bull in accordance with Chapter 7.32 of the Stanislaus County Code.

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ALLOCATION OF FEES AND FINES COLLECTED

▲ All fees and fines collected under Section (insert penalties number) shall be used to fund the implementation and enforcement of the pit bull spaying/neutering program.

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OPERATIVE DATE

▲ Notwithstanding the provisions of Section (insert exceptions number), the provisions of this Section mandating the spaying and neutering of pit bulls shall be operative effective (insert date).

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**STANISLAUS ANIMAL SERVICES AGENCY
ACTION AGENDA SUMMARY**

AGENDA DATE: September 15, 2011

AGENDA #: 7-E

SUBJECT:

Discussion to consider establishing a method for accepting incoming claims.

BACKGROUND:

A matter to consider for the Stanislaus Animal Services Agency is to establish a method to handle all incoming claims. The creation of a formalized process is needed to accept claims, and prevent the submission of erroneous claims.

STAFF RECOMMENDATIONS:

4. Direct Staff to return to the Board in December with alternatives to consider

FISCAL IMPACT:

There is no fiscal impact associated with the approval of this recommendation

AGENCY BOARD ACTION:

On motion of _____; Seconded by _____
and approved by the following vote:

Ayes: _____

Noes: _____

Excused or Absent: _____

Abstaining: _____

- 1) _____ Approved as recommended.
- 2) _____ Denied.
- 3) _____ Approved as amended.

Motion: _____