

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

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Meeting Date:   September 13, 2011   Consent    Regular
                                    Ordinance   Public Hearing

Department:     Department of Public Safety
Submitted By:   Department of Public Safety
Submitted For:  Division of Animal Care & Control
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I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: Resolution of the Board of County Commissioners of Palm Beach County, Florida repealing Resolution 2005-1609, which will dissolve the Animal Care and Control Advisory Committee.

Summary: At the June 7, 2011 board meeting, the Board of County Commissioners directed staff to identify advisory boards that are no longer needed. The Animal Care and Control Advisory Board was created in 1977 and charged with receiving reports on and discussing ideas involving animal matters and proposing projects to benefit animals in Palm Beach County. In 1993, the membership of the Advisory Board was reduced. In 2005, the membership of the Advisory Board was changed to consist of professionals in the field of animal welfare, animal science and public health. Meetings are held quarterly and the majority of meetings do not have a quorum. Staff recommends dissolving the Advisory Board, but will continue to work with local animal organizations, citizens and professionals in the field of animal welfare. The Division will continue to accept citizen input and volunteer support on all issues relating to improving animal welfare. Countywide (SF).

Background and Justification: In 1977, the Palm Beach County Board of County Commissioners ("Board") created an eleven member Animal Care and Control Advisory Board ("Advisory Board") to receive reports on animal matters and to discuss ideas and propose projects to benefit animals in Palm Beach County. In 1993, the membership of the Advisory Board was reduced from eleven to nine due to difficulty in obtaining a quorum of members at meetings. In 2005, the Advisory Board was changed to an Advisory Committee and membership was further reduced to seven members, since it was believed that it would be easier to obtain a quorum at meetings. Since 2005, reaching a quorum has continued to be a problem and meetings have not been regularly scheduled as intended by Resolution 2005-1609.

Since the Advisory Committee does not hold regularly scheduled meetings and member attendance has been inconsistent, staff recommends dissolution of the Advisory Committee.

Attachments:

1. Resolution to Dissolve Advisory Committee
2. Resolution No. 2005-1609

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Recommended by: Vinit Bonvento          8/30/11
                  Department Director       Date

Approved By:   Vinit Bonvento          8/30/11
                  Assistant County Administrator   Date
  
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II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
Net Fiscal Impact	*	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included In Current Budget? Yes _____ No X

Budget Account No.: Exp: Fund _____ Department _____ Unit _____ Object _____
 Rev: Fund _____ Department _____ Unit _____ Source _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

* There is no fiscal impact associated with this agenda item.

C. Departmental Fiscal Review: Stephanie Seivoha / [Signature]

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

[Signature] 8/30/11 [Signature] 8/30/11
 OFMB Contract Administration

B. Legal Sufficiency:

Anne Delgent 8/31/11
 Assistant County Attorney

C. Other Department Review:

 Department Director

This summary is not to be used as a basis for payment.

RESOLUTION NO. R-2011-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING RESOLUTION 2005-1609; DISSOLVING THE ANIMAL CARE AND CONTROL ADVISORY COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 1977, the Palm Beach County Board of County Commissioners ("Board") created an eleven member Animal Care and Control Advisory Board ("Advisory Board") to receive reports on animal matters and to discuss ideas and propose projects to benefit animals in Palm Beach County; and

WHEREAS, in 1993, the membership of the Advisory Board was reduced from eleven to nine due to difficulty in obtaining a quorum of members at meetings; and

WHEREAS, in 2005, the Advisory Board was reduced to a seven member Animal Care and Control Advisory Committee ("Advisory Committee") tasked with discussing issues relating to the health, welfare and safety of the residents and animals of the County and making recommendations concerning such issues to the Board; and

WHEREAS, it was intended that the Advisory Committee would meet at least quarterly to discuss issues and make recommendations to the Board; and

WHEREAS, the Advisory Committee has not been holding regularly scheduled meetings and attendance of committee members at meetings has been inconsistent; and

WHEREAS, the Board no longer requires the services of the Advisory Committee; and

WHEREAS, the Board desires to dissolve the Advisory Committee and repeal Resolution 2005-1609; and

WHEREAS, dissolving the Advisory Committee serves a public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The Board of County Commissioners hereby repeals Resolution 2005-1609. The Animal Care and Control Advisory Committee established pursuant to Resolution 2005-1609 is hereby dissolved, effective immediately.

The foregoing Resolution was offered by Commissioner, who moved its adoption. The motion was seconded by Commissioner, and upon being put to a vote, the vote was as follows:

Commissioner Karen T. Marcus, Chair	-
Commissioner Shelley Vana, Vice Chair	-
Commissioner Paulette Burdick	-
Commissioner Steven L. Abrams	-
Commissioner Burt Aaronson	-
Commissioner Jess R. Santamaria	-
Commissioner Priscilla A. Taylor	-

The Chair thereupon declared the Resolution duly passed and adopted this

_____ day of _____, 20__.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK, CLERK & COMPTROLLER

By: _____

Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: Anne Welfant
County Attorney

Agenda Item #: 8E-1

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

M/K 6-D
M^c ABS

AGENDA ITEM SUMMARY

R-2005-1619

Meeting Date: August 16, 2005

Consent Regular
 Ordinance Public Hearing

Department

Submitted By: PUBLIC SAFETY
Submitted For: Animal Care and Control

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends a motion to adopt: A resolution of the Board of County Commissioners of Palm Beach County, Florida, that restructures the membership make-up of the Animal Care and Control Advisory Board from nine members to seven members and rescinding Resolutions No. R-77-723; R-90-1992A; and R-93-276 and any amendments thereto.

Summary: A majority of the Animal Care and Control Advisory Board membership have resigned or are contemplating resignation citing difference of opinions with other members and meetings being non-productive. As a result, there has been difficulty in retaining and recruiting members. Staff is recommending the Advisory Board be restructured from a Board of nine members (7 appointed by Commission District and 2 at-large), to a Committee of seven with five members representative of agencies or groups involved in animal welfare: Sheriff's Office; Health Department; Veterinary Society; Agriculture Department; Freshwater Game and Fish Commission; and two members of the General Public selected "at-large". Further, the restructured Animal Care and Control Advisory Committee will meet quarterly rather than monthly.
County wide (DW)

Background and Policy Issues:

The Advisory Board has been in existence since 1977. It has undergone few revisions of duty or make-up since its inception. Because of the difficulty in recruiting qualified members and because of recent member dissatisfaction with the Board, a complete reorganization of the Board is appropriate. The recommended reorganization will "professionalize" the Committee make-up with specific people or agencies directly dealing with animal issues and their impact on the population and economy of the County. The purpose of the restructured Committee will be to review and recommend programs and projects that benefit animals and people Countywide.

Attachments:

1. Proposed Revised Animal Care and Control Advisory Committee Resolution
2. Various Support Documentation including current Resolution and staff memorandum

Recommended by: [Signature] 6/29/05
Department Director Date

Approved by: [Signature] 7/6/05
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	2005	2006	2007	2008	2009
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	-0-	-0-			

ADDITIONAL FTE
POSITIONS (Cumulative)

Is Item Included In Current Budget? Yes _____ No NA X
Budget Account No.: Fund _____ Dept. _____ Unit _____ Object _____
Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

There is no Fiscal Impact.

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

6/30/05
6/30/05 OFMB *6/30/05* Contract Administration *7/11/05*

B. Legal Sufficiency:

7/5/05
Assistant County Attorney

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.

RESOLUTION NO. 2005-1609

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, RESTRUCTURING THE MEMBERSHIP MAKE-UP OF THE ANIMAL CARE AND CONTROL ADVISORY BOARD FROM NINE MEMBERS TO SEVEN MEMBERS AND RESCINDING RESOLUTIONS R77-723; R90-1922A; R93-276 AND ANY AMENDMENTS THERETO.

WHEREAS, in 1977 the Board of County Commissioners created an eleven member Countywide Animal Care and Control Advisory Board to receive reports on animal matters, and propose and discuss ideas and projects intended to benefit animals; and

WHEREAS, because of difficulty in member attendance, in 1993 the membership was reduced from eleven to nine; and

WHEREAS, there still exists difficulty in recruiting members and obtaining a quorum for monthly meetings of the Advisory Board; and

WHEREAS, a change in the membership make from a nine member Advisory Board to seven member Advisory Committee is required to assure the continuity of the Committee; and

WHEREAS, modifying the duties and responsibilities of the Advisory Committee will benefit animals and people countywide.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that:

1. **CREATION:** There is hereby created the Palm Beach County Animal Care and Control Advisory Committee to serve as an advisory body to the Board of County Commissioners.

2. **PURPOSE AND DUTIES:** The Animal Care and Control Advisory Committee shall meet for the purpose of discussing animal issues of importance to the Division, or issues relating to the health, welfare and safety of the residents and animals of Palm Beach County, or for the purpose of making recommendations to the Board of County Commissioners.

3. **GENERAL MEMBERSHIP:** The general membership of the Animal Care and Control Advisory Committee shall be composed of representation from the following local agencies:

The President of the local Palm Beach County Veterinary Society or his/her representative;

The Director of the Palm Beach County Health Department or his/her representative;

The Palm Beach County Sheriff or his/her representative;

The Regional Supervisor of the State of Florida Department of Agriculture or his/her representative;

The Regional Commander of the State of Florida Fish and Wildlife Commission or his/her representative;

Two members of the general public, at large.

Each professional appointment represents an agency head and therefore there will be no term limitation. The representatives from the General Public shall be appointed by the Board of County Commissioners as an "At-Large" position and the term shall be for two years. Each Committee representative shall be a resident of Palm Beach County and serve at the pleasure of the Board of County Commissioners. The Chairperson of the Committee may appoint representatives to serve on any subcommittee who are not members of the Advisory Committee.

4. **MEETINGS:** The Advisory Committee shall meet at quarterly, or as often as necessary for special purposes, or as called by the Board of County Commissioners, the County Administrator or his designee, or the Chairperson of the Advisory Committee. Upon review and approval by the County Attorney's Office, the Committee shall establish Rules of Procedure, which shall govern the meeting process. All meetings of the Committee shall be open to the public at all times.

5. **OFFICERS:** The Advisory Committee shall, by majority vote, elect a chairperson and vice-chairperson who shall serve for a term established in the Rules of Procedure. No officer shall serve for a period of more than three consecutive terms in the same capacity as originally elected. Officers may be removed from office by a two-thirds vote of the Committee. The chairperson shall preside over the meetings and the vice-chairperson shall preside in the absence of the chairperson.

6. **STAFF AND FUNDING SUPPORT:** Members of the Palm Beach County Animal Care and Control Advisory Committee shall serve without compensation and the Committee shall operate with such funding as the Board of County Commissioners may approve from time to time or as provided by other federal, state and/or regional funding sources. It shall be the responsibility of the Director, Palm Beach County Animal Care and Control Division to provide staff services to the Committee and present the recommendations of the Committee to the Board of County Commissioners.

7. **COMMITTEES:** The Chairperson of the Committee may organize and establish subcommittees to meet the purpose and duties of the Committee as stated in this Resolution.

8. **REPORTS:** The Animal Care and Control Advisory Committee shall submit periodic reports to the Board of County Commissioners. The form, substance, and content shall be determined by the Committee and its submission coordinated with the Palm Beach County Department of Public Safety.

9. **PALM BEACH COUNTY RESOLUTIONS R77-723; R90-1922A; R93-276** and any subsequent amendments or modifications to the Resolutions are hereby repealed and rescinded.

The foregoing Resolution was offered by Commissioner Marcus who moved its adoption. The motion was seconded by Commissioner Koons and, upon being put to a vote, the vote was as follows:

TONY MASILOTTI, CHAIRMAN	<u>Aye</u>
ADDIE L. GREEN, VICE CHAIRPERSON	<u>Aye</u>
KAREN T. MARCUS	<u>Aye</u>
JEFF KOONS	<u>Aye</u>
WARREN H. NEWELL	<u>Aye</u>
MARY MCCARTY	<u>Absent</u>
BURT AARONSON	<u>Aye</u>

The Chairman thereby declared the Resolution duly passed and adopted this 16th day of August, 2005.

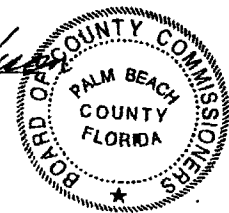
APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: [Signature]
County Attorney

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

Sharon R. Bock, Clerk & Comptroller

By: [Signature]
Deputy Clerk



003282

R2005 1609



Department of Public Safety
 Division of Animal Care and Control
 7100 Belvedere Road
 West Palm Beach, FL 33411
 (561) 255-1200
 FAX: (561) 255-1234
 www.pbgoes.com/divisionofpublicsafety/animal

**Palm Beach County
 Board of County
 Commissioners**

- Tony Masilotti, Chairman
- Addie L. Greene, Vice Chairperson
- Karen T. Macaris
- Jeff Koons
- Warren H. Newell
- Mary McCarty
- Burt Aaronson

County Administrator
 Robert Weisman

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JUN 13 2005

PUBLIC SAFETY
 DEPARTMENT

June 10, 2005

MEMORANDUM

To: Paul Milelli, Director, Public Safety Department
 From: Dianne M. Sauve, Director, Animal Care and Control *MS*
 RE: Animal Care and Control Advisory Board

This memorandum shall serve as a recommendation that the Animal Care and Control Advisory Board be restructured so that any future appointments are professionals in the field of animal science or animal welfare.

The ACC Advisory Board was created in 1977 (R-77-723) with the purpose of receiving reports on animal matters, proposing and discussing ideas and projects intended to benefit animals, and relaying recommendations of the Advisory Board to the Board of County Commissioners. The Board consists of appointments from each County Commissioner with two "at-large" positions. Historically, there has been difficulty in both recruiting for the open positions, and attendance for existing members.

During the past 12 months, attendance has dropped and the Board has become dysfunctional. The minutes reflect acrimonious behavior with continuing discord. After the February Advisory Board meeting, 3 members called to express their intent to resign, citing hostile and non-productive conditions from other members. During the March Board meeting, one member walked out of the meeting and relayed that she would no longer serve because of the rancor. Those members which have recently indicated their desire to resign cite harassment from select members for not taking a more active role in shelter events or volunteering at the shelter.

In reviewing the problems associated with the Board, and mindful that I served as an Advisory Board member for 8 years, the Board has a history of not understanding or accepting the limited scope which governs the Board. Because of this, and in recognition that current resignations will place the Board with no quorum, I am recommending that the Board either be abolished, or that the majority of appointees are professionals such as veterinarians, health department officials, law enforcement, agricultural, or professionals from an animal science field. In consideration of recent controversy relating to the Scripps

project, I would also recommend that a Scripps representative serve on this Board. Additionally, and because Animal Care and Control administers an annual 400K Subsidy program to animal organizations within the County, any restructuring needs to reflect that individuals of organizations receiving funding, or working with organizations receiving funding, may not serve on the Advisory Board.

As you are aware, Animal Care and Control is one of the largest animal control agencies in the State. Our Division provides more services than any other organization of its kind in the country. During the thirty months I have served as the Division's Director, I have documented a dramatic reduction in public complaints. Two and a half years ago, Advisory Board meetings were regularly attended by numerous residents with a list of complaints. During the last 12 months there has been little attendance by the public at the Board meetings, and during the last 6 months, there has been no attendance at the meetings by any member of the public.

Please call if you have any questions or comments.

RESOLUTION NO. R-93-276

A RESOLUTION AMENDING PALM BEACH COUNTY, RESOLUTION NO. R-90-1992A PERTAINING TO THE PALM BEACH COUNTY ANIMAL CARE AND CONTROL ADVISORY BOARD; PROVIDING FOR: CREATION; PROVIDING FOR MEMBERSHIP; PROVIDING FOR TERM LIMITATION; PROVIDING FOR DISTRICT APPOINTEES; PROVIDING FOR REMOVAL FOR LACK OF ATTENDANCE; PROVIDING FOR ELECTIVE OFFICE; PROVIDING FOR RESIDENCE REQUIREMENTS; PROVIDING FOR OPEN MEETINGS; PROVIDING FOR ETHICS; PROVIDING FOR ANNUAL REPORT; PROVIDING FOR QUORUM; PROVIDING FOR OFFICERS; PROVIDING FOR DUTIES OF THE ADVISORY BOARD; PROVIDING FOR FUNDING; PROVIDING FOR REIMBURSEMENT.

WHEREAS, by Resolution No. R-90-1992A Palm Beach County re-established the Palm Beach County Animal Care and Control Advisory Board (formerly known as the Palm Beach County Animal Regulation Advisory Board); and

WHEREAS, it is now necessary to reduce the number of members from eleven to nine; and

WHEREAS, the Board of County Commissioners of Palm Beach County desires to standardize the provisions of all County advisory boards as determined by Resolution No. 91-1003;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Resolution No. R-90-1992A is hereby amended as follows:

1. CREATION - There is hereby created the Palm Beach County Animal Care and Control Advisory Board which shall serve as an advisory body to the Board of County Commissioners.

2. MEMBERSHIP - The Board shall consist of nine (9) members who shall be appointed by the Board of County Commissioners with each Commissioner having the right to choose one (1) member. Two of the members shall be "at-large" positions. Each member shall serve for a period of two (2) years.

3. TERM LIMITATION - There shall be no limit on the number of terms an individual may serve.

4. DISTRICT APPOINTEES - All members of the Animal Care & Control Advisory Board classified as a district appointee shall serve at the pleasure of their district commissioner and may be removed without cause.

5. REMOVAL FOR LACK OF ATTENDANCE - Members shall be automatically removed for lack of attendance. Lack of attendance is defined as: failure to attend three (3) consecutive meetings or failure to attend more than one-half of the meetings scheduled during a calendar year. Participation for less than three-fourths of a meeting shall constitute lack of attendance. Excused absences due to illness, absence from the county, or personal hardship, if approved by vote of the advisory board, shall not constitute lack of attendance. Excused absences shall be entered into the minutes at the next regularly scheduled meeting of the board. A district appointee who has been automatically removed for lack of attendance may be reappointed by the district commissioner. Members removed under this paragraph shall not continue to serve until a new appointment is made. Removal shall create a vacancy.

6. ELECTIVE OFFICE - Advisory board members shall not be prohibited from qualifying as a candidate for elected office.

7. RESIDENCY REQUIREMENTS - All advisory board members must be residents of Palm Beach County at the time of appointment and while serving on the board.

8. OPEN MEETINGS - Reasonable public notice of all advisory board meetings shall be provided and all such meetings shall be open to the public at all times.

9. ETHICS - Advisory board members shall be governed by the applicable provisions of the Palm Beach County Ethics Ordinance upon its adoption. Abstention from voting due to a conflict of interest on more than three separate matters during any calendar year shall result in automatic removal.

10. ANNUAL REPORT - The advisory board shall submit an annual report to the Board of County Commissioners. The form, substance, and submittal dates for this report shall be

established by county Policy and Procedure Memorandum.

11. QUORUM - A quorum must be present for the conduct of all advisory board meetings. A majority of the members appointed shall constitute a quorum. All meetings shall be governed by Robert's Rules of Order.

12. OFFICERS - By majority vote, the members of the board shall elect a chairman and a vice-chairman who shall serve for a term of one (1) year. No officer shall serve for more than two (2) consecutive terms and any officer may be removed before the expiration of his term by a two-thirds (2/3) vote of the Board. The Chairman shall preside over the meeting, and the Vice Chairman shall preside when the Chairman is unable to do so.

13. DUTIES OF ADVISORY BOARD - It shall be the duty of the Advisory Board to meet approximately once a month, or at such other time as is necessary, at an announced time and place to receive reports on animal matters, to propose and discuss ideas and projects intended to benefit animals, and to relay recommendations of the Advisory Board to the Board of County Commissioners.

14. FUNDING - The Advisory Board shall operate with such funding as the Board of County Commissioners may approve from time to time and, without prior approval, shall have no authority to incur expenses for which Palm Beach County would be liable.

15. REIMBURSEMENTS - Travel reimbursement is limited to expenses incurred only for travel outside Palm Beach County necessary to fulfill board member responsibilities when sufficient funds have been budgeted and are available, and upon the prior approval of the Board of County Commissioners. No other expenses are reimbursable except documented long distance phone calls to the liaison County department.

The foregoing resolution was offered by Commissioner
Marcus _____ who moved its adoption. The motion was
seconded by Commissioner _____ Newell _____ and, upon being
put to a vote, the vote was as follows:

MARY McCARTY	AYE
KEN L. FOSTER	AYE
KAREN T. MARCUS	AYE
CAROL A. ROBERTS	AYE
WARREN H. NEWELL	AYE
BURT AARONSON	AYE
MAUDE FORD LEE	AYE

The Chair thereupon declared the resolution duly passed
and adopted this 2nd day of March _____, 1993.

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

Dorothy H. Wilken, Clerk

BY: David A. Reed
County Attorney

BY: Michelle P. Ball
Deputy Clerk