



ANIMAL ADVISORY COMMISSION RECOMMENDATION 2022610-001

Date: 6/10/22

Subject: Violation of City Ordinance § 3-1-25 DISPOSITION OF AN IMPOUNDED ANIMAL, sections (C), (I), and (J), and proposed resolution

Motioned By: Commissioner Ryan Clinton Seconded By: Commissioner Neymer

Recommendation

1. We recommend that the City Council be aware of the recent violations of the City Ordinance listed below at the Austin Animal Center (AAC):
§ 3-1-25 DISPOSITION OF AN IMPOUNDED ANIMAL, sections (C), (I), and (J).
2. We recommend that the City Council monitors the implementation of our suggestion to the AAC to resolve this issue.

Description of Recommendation to Council

1. The Problem: Austin Animal Center has been adopting or transferring lost and stray pets while those pets are still on a legal 'stray hold' period. This means people who lose their pets are may not have had the opportunity to reclaim those pets before they were transferred to another custodian. This practice can be traced to the shelter's decision to close all services to the public on Sundays. There are likely Austin residents still searching for pets they don't know were ever in the care and custody of AAC and the City of Austin. The Commission believes it is imperative that AAC takes action to inform the public about what has occurred and to publicly post these pets that were not afforded their legal stray hold time.

Background: In 2016, the Commission was asked by Austin Legal and the AAC Director to approve a new stray hold ordinance. This was the result of a then-recent verdict in a Texas State Supreme Court Case (Lira v. GHGSDR, Inc., 4/1/16) that occurred in the Houston area. The State of Texas deems animals to be "property," and the City of Austin (COA), like the City of Houston, at that time did not have a clearly described procedure of how and when the ownership of a stray animal at the AAC was conveyed to the COA. Without a clear transfer of ownership, partner organizations and adopters of animals from the AAC were being put at risk of a lawsuit. The following proposed ordinance to correct this was passed by the Austin City Council in 2016:

§ 3-1-25 DISPOSITION OF AN IMPOUNDED ANIMAL.

Particularly important to this discussion are sections (C), (I), and (J).

During a discussion at our May 9, 2022 Commission meeting with the AAC Director, it became apparent that the AAC may have violated the stray hold portion of this ordinance. Upon further examination, the AAC had not been holding animals long enough at the AAC before they were transferred to a partner organization or adopted, at least in part because the AAC was counting days for the stray hold period on which the shelter was closed, which does not follow the ordinance. We held a Special Called Commission meeting to address this issue on 6/10/22. The data is still being analyzed, but it is highly likely more than one hundred animals that have not been handled according to the ordinance since November of 2021.

Aside from the liability issue, what this means is that citizens with a lost pet may not be able to find that pet, even though the animal was at the AAC. Under current protocols, once the animal leaves the AAC, there is no easy way for the public to tell if the animal had ever been at the shelter. Our stray hold period of three days is already short by national standards; shorter than three days makes it that much harder for a pet owner to find their pet. If animals are family, then it is a priority that families are kept together. So far, the AAC has received no complaints, but that is likely due to the nature of the error. If one checks at the AAC and does not find their animal listed among the strays, they may assume their pet was never there, and that may not be the case.

2. The solution proposed by the Commission:

1. Analyze the data and identify the animals that were not held for the proper amount of time, going back at least to 1/1/22, and notify the adopter or rescue group that received the animal from the AAC about the legal status of the animal. This should be done in two weeks 'time.
2. Post all the information we have about these animals (including pictures) on the AAC website, and amplify these postings on social media, for at least ninety days.

We have asked the AAC to implement this solution.

Rationale:

To reunite pets with their families whenever possible as a primary directive of No-Kill, and to avoid liability for our partner organizations and adoptees. Both of these rationales help build trust within the community, which greatly enhances support for the mission of the AAC.

Vote

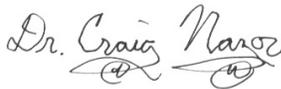
For: 11

Against: 1

Abstain: 0

Absent: 1 (vacant)

Attest:



Dr. Craig Nator
