

**AGENDA**



**Recommendation for Council Action**

Austin City Council	Item ID	59156	Agenda Number	2.
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Meeting Date:	6/23/2016	Department:	Animal Services Office
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**Subject**

Approve an ordinance repealing and replacing city code sections 3-1-25 and 3-1-26 relating to the reclamation of an impounded animal and the disposition of an unclaimed impounded animal and making conforming changes to a city code section 3-2-32.

**Amount and Source of Funding**

Funding is available in the Fiscal Year 2015-2016 Animal Services Operating Budget.

**Fiscal Note**

A fiscal note is not required.

Purchasing Language:	
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Prior Council Action:	
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For More Information:	Tawny Hammond, Chief Animal Services Officer 978-0536 or Kristen Auerbach, Deputy Chief Animal Services Officer 978-0507 or Lee Ann Shenefiel, Deputy Chief Animal Services Officer 978-0521
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Council Committee, Boards and Commission Action:	April 11, 2016 - Approved by the Animal Advisory Commission on a 10-0-1 with Commissioner Kaviani absent to recommend to council to amend the ordinance. Recommendation Number 20160411-005b
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MBE / WBE:	
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Related Items:	
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**Additional Backup Information**

The Texas Municipal League has recently recommended that all Texas cities review their animal control ordinances in light of a recent Texas Supreme Court case, *Lira v. Greater Houston German Shepherd Dog Rescue, Inc.* The Lira decision concerns whether, and when, the City of Houston’s ordinances conveyed ownership of an impounded animal to the City. Although current City of Austin code provisions are significantly different and more clearly drafted than the Houston ordinances that were at issue in Lira, this ordinance change ensures unequivocally that an impounded animal is the property of the City at the expiration of the hold period, which is also established by ordinance. This amendment also clearly recognizes current practices by the Austin Animal Center and its non-profit partners.