

CLARK COUNTY ANIMAL ADVISORY COMMITTEE

MINUTES

Clark County Government Center
500 S. Grand Central Parkway, Commission Chambers
Las Vegas, Nevada 89101
June 23, 2003
6:30 p.m.

MEMBERS PRESENT: HENDERSON, DAVID
HOFF, KARIN
KRISKO, SUSAN
MARCH, DEBRA
RIVKIN, SAMUEL

1. Call to order

The meeting was called to order at 6:35 p.m.

2. Approval of agenda

A motion to approve the agenda was made and seconded.

3. Approval of May 5, 2003 Minutes

A motion to approve the Minutes was made and seconded.

4. Animal Sheltering Contract

JIM SPINELLO – Through the knowledge of the Committee and staff, as well as the public hearings conducted, a contract was negotiated with Animal Foundation (AFI) as directed by BCC. This contract is still being reviewed by District Attorney and Board of AFI. Among the major items contained in the agreement are milestones for funding and construction of an addition to the facility. A deadline for funding is the end of this year and construction should begin July 1, 2004, and be completed by March 31 2005. The county intends to begin utilizing services on June 1, 2005, one month prior to the existing end of the Dewey contract. A performance bond or cash in the amount \$500,000 was what we wanted. We are piggybacking on an agreement with CLV in that if need to exercise the option to terminate, the city is able to purchase facility. Our agreement would enable us to receive an additional \$500,000 payable or credited to the county based on what options go forward. The Interlocal with city will reflect that provision. We have agreed to a 10-year term with compensation complicated by first contract year as being a 13-month year. From the day we enter and utilize this new facility, there is a discount as of today. The current agreement is on a CPI adjusted rate and we are currently paying over \$1.2 million. The first year, AFI receives \$100,000 a month and then \$1.2 million thereafter. We want to provide incentives for performance and so

contractor could earn in the first year, but receive in the second year, based on an increase in number of adoptions and if they can achieve a 5 percent increase annually they can earn a 3 ½ percent incentive applied only to the first \$800,000 of the annual payment. In the 7th year, the total payment steps down to \$800,000 plus incentives. We believe if they hit all the targets, it will be in the range of \$1 million in base payments. In addition, this contract is exactly the same as the current contract with Dewey - \$5 for adoptions, microchips, no licensing and no other payment other than what Dewey currently receives.

The agreement contains penalties for poor performance of \$3,000 per day for conditions that directly affect animals if not cured within 24 hours after notification. This is not currently in the agreement with Dewey. If the \$3,000 per day penalty were to occur, we just deduct it from future payments. They meet professional animal standards for pet shops as written in Clark County Code 10 and American Humane Guidelines. Contract can be terminated after a 5-day notification. If contractor should default, the county can operate a guaranteed portion of the facility.

Suggestions from many parties that the contractor be required to work with various rescue groups is contained in the contract. Groups must meet minimum requirements such as being 501c3 entities and Joe Boteilho will act as facilitator to help the relationship. The contract also allows county to have input into hiring decisions.

SUSAN KRISKO questioned the 10-year contract. She understands it is much easier on the county that way but the organization does not have a spotless track record. Why not a shorter contract with guaranteed extension if they meet requirements. JIM SPINELLO relayed that senior county management believes 10 years is a short contract.

SUSAN noted that an oversight committee was mentioned a few times but there are no provisions for that in this other than Joe Boteilho. JIM responded that specific oversight is provided as with the current contract, by Animal Control administration. The Advisory Committee can exercise oversight on any item brought to the Committee and we believe this Committee is the proper venue.

SUSAN notes that having one single person being liaison between Lied and animal groups doesn't seem to have been one of Dewey's problems. However, given the past history and feelings on both sides, believes someone else or a neutral party should be the liaison. JOE BOTEILHO informed the Committee that there will be a formal process put together, with give and take on both sides. It will be a cooperative effort on both sides to make it work. He will be facilitator to work with various groups and have rules where it is a formal process to maintain decorum. SUSAN asked if the Advisory Committee could be the liaison. JOE advised that as a matter of contract, you need a named person who is paid to do the job. The Animal Advisory Committee would be the place where complaints are heard if staff does not resolve them. Susan wanted that to be in the contract. Staff has thought about this and to have the type of decisions we need, the Advisory Committee cannot be convened immediately to take care of a problem. Once guidelines are laid down, we work together. A process will be set up in which

rescue group members will receive an ID card and bring it in to get access to do business. AFI is willing to give some perks to the groups. AAC will be the appeal board. Any decision can be appealed to the BCC. In terms of day to day working, this Committee is viewed as to where you come to make changes. Staff are always answerable to elected officials. If public complains to BCC, it is referred to advisory group. Staff will work with humane groups and contractor to make sure there are not complaints and if we turn a blind or deaf ear, they can go to the BCC. This is process oriented and this provision came about because individuals went to BCC to make sure their voice in this and their concerns were heard. It is not a provision normally written into a contract. Staff has been quite responsive in this regard. Contract language written as strongly as we can. If people truly want to come in and save animals, we will not have a problem. We will have workable program to enhance coordination with rescue groups.

If parties are engaged in legal action, we don't know if we can legally get them to work together. We are talking about organizations not people. If it has to be one person and not the organization, we might have a problem. We will have a list of organizations and their members and they will probably all have ID cards. Down the road, formalities may drop off and reduced to solid relationships. This provision was difficult to put to writing. Relationships between private organizations are relationships between private organizations. Senior management had to be convinced it would work based largely on the past that Joe Boteilho has done this before and can make it work again.

KARIN HOFF sees it as an incentive. It seems straightforward that if humane groups are assisting in bumping up adoption numbers, there is a powerful argument to work with humane groups.

Regarding the \$3,000 per day penalty – Animal Control does the inspections, which are not announced. They would come in any time day or night. Currently done when we feel it may be affecting animals. Depending on the season, it will be done 6 a.m. to midnight. In the summer, we might want to be there at 4, in the winter at midnight. Senior staff has a very detailed procedure. We are good at going through gathering data and documenting it so it will hold up in court.

The standards are Clark County Title 10 and the American Humane Association standards for operations of an animal shelter that consists of about 700 pages where it gives guidelines on how to make a smooth operation. Provisions are in the contract to develop and implement policies. We are willing to work to train and retain good staff.

Volunteer and staffing standards were discussed and we will be working with them toward to train and retain good staff.

If the AHA guidelines change during the term of the contract, they will have to meet the changes. The toughest standards are Title 10, which is probably the toughest standard in country.

For the incentives for performance and a base for adoptions, we have started out with Dewey's number of 5,662 dogs and cats as a baseline. We had to have a known number and from that point on June 1, 2005 throughout that first year that is the first number, they will have to increase and every year thereafter if they increase 5 percent, they will get a 3.5 percent increase. If they meet first target number in year 2005/06, they get a \$28,000 increase in 2006/07 applied equally. We are looking to maximize adoptions so they can receive more than 5 percent if adoptions go above target.

Animal Control control cards will determine county animals. Adoption money will be coming to the county. AFI will have to have some new controls. The City is close to having a chameleon database, which is crystal report driven and we will be able to see county number and do the accounting.

Impound numbers, depending on how they come in the door, are too tough to track which is why we are using a percentage rather than actual number. If a default arises, the portion of the facility that becomes the County's is equal to whatever proportion of the animals we have.

The County does not have a license program and we specifically wanted to state as an issue of policy that we have no intention of instituting one nor is there a promise to do so. The City has license contract but it will not affect the County at all. SAM RIVKIN wants to do away with City license.

If there can be two animals in the same run, one City and one County, the City they can charge what they want, County is \$13. When an animal comes in, it has a card. Currently, there are different price structures done now at Dewey. If a city inhabitant adopts a county dog, they will be charged a license fee. If a county person adopts a city dog, there is no license.

The BCC voted to do away with licensing program in 1998. A license program is expensive to maintain and some Commissioners were concerned about the cost to citizens. We do see the county implementing a licensing program within the next 10 years. From comments heard from commissioners from time to time, they will not go ahead with licensing.

Comments from the Public

KAREN LAYNE – I just received a copy of the contract. When will be go before the BCC?
JIM SPINELLO stated it could be on the agenda on Tuesday, July 1 and publicly noticed Wednesday, June 25 at 5. It would be on as a business item so there would be opportunity for comment then as well as here tonight

JUDITH RUIZ – The Sunday sterilization program at AFI was cancelled about 2 months ago. Adoptions should not be the measuring point. Fierro is organizing a new organization for AFI. How does that organization fit into AFI shelter working with humane orgs?

MARK FIERRO is having a get together next Friday the 25th for Animal Shelter Outreach Services.

JOE BOTEILHO everything that goes out the door there at Lied will be sterilized.

JUDITH – feral cat sterilization program is no longer being done for at least 2 or 3 months. Volunteer vets would do the spay and neuter. JOE was referring to that and if they haven't done it, these are the type of programs we are looking at. Can't see any reasons why we can't work on these. Try to put these kind of programs in. The first step is the sheltering agreement and then down the road, we will look at a lot of programs and if we can work together, we can expand.

JUDITH – we rescue animals directly off street. Need more clarity and honesty as far as figures and what they do and don't do.

SUSAN KRISKO hopes they are sterilizing everything now. In Title 10, any animal over the age of 8 weeks goes out unsterilized. Now anything under 8 weeks goes out unsterilized. When that was decided, it was based on veterinary decisions according to JOE BOTEILHO. Now 6 weeks is doable now. The ordinance is not changed. KARIN HOFF – county policy should be that no unsterilized animals be released. Put this item on the agenda.

The comment period, according to JIM SPINELLO, it is fairly long. We post on Wednesday prior to our Tuesday meeting. What they have is the language a week before the meeting and a week is far more than anyone gets in contracts. If they are uncomfortable, their recourse is to go to BCC and if significant, they will send it back to AAC unless can be resolved on spot.

Is it possible for AFI to develop a spin off a humane organization to handle most of their adoptions and compete with existing humane groups and influence how County handles adoptions in some preferential manner? The contract provisions would not allow any one organization to have favored status. Humane groups should be last chance adoptions – cannot come in ahead of public to get animals. There is no real profit margin to adopt a county animal. Humane groups have to wait until after public has had a chance. The real plan was to build a campus with several components. The idea is to move them out into the community - shelter with animals from animal control, vet component with sterilization, cat adoption component, dog bungalows and park. The problem place is owner reclaim. The plan is to be a big campus for people to go look at animals and to separate ones that are adoptable from ones that are not.

The agreement was finalized this morning. There will be no changes to this other than formatting, signature lines, etc.

DEBRA MARCH is comfortable with provisional approval. She has concerns about cooperation with non-profits and would like to hear from Lied as to their intentions.

MARK FIERRO – We have always had an open door with regard to rescue groups. We haven't had any problems in that area but have had problems with individuals. The County's

efforts to put this in black and white to say you are a bona fide rescue organization, 501c3, seemed to be a reasonable level of confidence. We were willing to do that in order to put in black and white what already occurs. We have no problem with groups. He has nothing to do with the SOS organization other than the opening fundraiser. Effort to take animals out to the community so animals have the best chance to get adopted and along with that, every city shelter across the country has an enormous numbers of pitbulls. We will keep animals alive for 4, 5 or 6 months. Effort to take dogs out to community, some \$14, some \$10, some free, every dog has its day. Take animals out to community (SOS) when a kid is involved, the kid convinces the parents. We are out there where there are a lot of children. We saved 7,500 animals last year. DEBRA MARCH – will your group have selected choice of the animals or work cooperatively to ensure adoption of animals. MARK FIERRO – It is a simple process, basically an ongoing reverse auction. \$100, \$74, \$50, \$15 then to \$0 – after two weeks anybody can get the dog, prove it will be a good home with a stable environment. The feral cat sterilizations have been temporarily delayed until we get into the new facilities. The feral cat people were told.

SUSAN KRISKO -Are there any groups you will absolutely not work with? MARK FIERRO – We don't have a problem with groups. We have problems or exceptions with former employees. The current policy is on ongoing reverse auction. County animals would stay where they are. They would be spayed or neutered before they get to the floor so they are available for adoption. JOE BOTEILHO – as you get further out, the urgency is there. They are trying to get the animals out of the place and get them adopted. KARIN is concerned with different types of rescue groups wanting to get hold of their special breed and not willing to spend a lot of money. MARK – Initially, this puts the county at an advantage because a \$100 dog may be right next to a \$13 dog. After two weeks, CLV dogs go out for free. Because of people like Dianne, who works for free, 15,000 animals lives were saved.

DIANNE ORGILL – There isn't a day that goes by that we don't call rescue groups and inform them of what we have. Our policy is if an animal has been there for more than 2 weeks, they can come and take the animal. If it has been there less than that time, they pay an adoption fee. Some groups want every single animal of a breed that comes in. Normally we want people to have a chance. If an animal has special needs due to age, we will let them take them. Our goal is to get animals into good homes.

Motion to approve contract as seen with provision that if any member of the Committee has an objection that recommendation would be withheld until objection satisfied.

Members of the public would have the same ability anyone in the public is entitled to. They can contact Jim Spinello, Joe Boteilho or anyone in County manager's office to make their views known, attend the meeting and make comments there.

A motion by AAC members for provisional approval with comments able to be made for resolution prior to meeting was approved and seconded.

5. Information-sharing by Committee Members

On July 1 at 10 a.m., the BCC is holding a public hearing to amend Title 10 to change the composition of this committee. Recommendation has been made to remove the wildlife representative and to add one more public and two more humane group members. Mary Kincaid-Chauncey requested it. If it were to be approved, it would take 20 days for the ordinance to take affect. Two members could be appointed after that. When the wildlife representative's term expires, that would be it.

Clark County Animal Control was highlighted in Celebrity Pets Unleashed on VH1.

SUSAN asked how the proposal to keep funds from restitution was going? JOE BOTEILHO spoke to the District Attorney on Friday and she is almost done with it. We will probably bring it to the Board. Changing sterilization exception on next time. If we change county code, Dewey would have to meet that. We can have that on the agenda for next month.

6. Comments by the General Public

KAREN LAYNE has been involved in the process for some time and is pretty disgusted to come and get this contract when I arrived here and have a decision made as a recommendation to the commission. If we have comments, we will have to write comments. Always better if it comes from advisory committee, once gets to commission to make changes. Does disservice to members. Feels like it is being shoved down our throats.

7. Set date, time and agenda of next meeting

Next meeting will be held on August 4, 2003 in Administration Building at 6:30 p.m.

8. Adjournment

The meeting was adjourned at 8:10 p.m.