

MEMORANDUM

Substitute
Agenda Item No. 11(A)(6)

TO: Honorable Acting Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: December 15, 2020

FROM: Geri Bonzon-Keenan
Successor County Attorney

SUBJECT: Resolution creating the “Save Charlie Act”; establishing the Miami-Dade County No Kill Animal Shelter Policy, which requires that: (1) the County protect and care for all animals impounded at County-operated shelters during the period of their impoundment; and (2) an animal impounded at a County-operated shelter may be euthanized only if the animal has proven to be dangerous with a poor to grave prognosis for rehabilitation or irremediably suffers with a poor to grave prognosis for being able to live without unnecessary physical pain or suffering, even with prompt, necessary, and comprehensive care

This substitute differs from the original version in that it: (1) revises the conditions under which an animal impounded at a County-operated shelter may be euthanized; (2) directs the County Mayor or County Mayor’s designee to commence full implementation of the No Kill Animal Shelter Policy in the Fiscal Year 2021–22; and (3) directs the County Mayor to include funding for full implementation of the No Kill Animal Shelter Policy in the proposed Fiscal Year 2021–22 County budget.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kionne L. McGhee and Co-Sponsor Commissioner Danielle Cohen Higgins.



Geri Bonzon-Keenan
Successor County Attorney


GBK/uw



MEMORANDUM
(Revised)

TO: Honorable Acting Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

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FROM: 
Gen Bonzon-Keenan
Successor County Attorney

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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor Substitue
Veto _____ Agenda Item No. 11(A)(6)
Override _____ 12-15-20

RESOLUTION NO. _____

RESOLUTION CREATING THE “SAVE CHARLIE ACT”; ESTABLISHING THE MIAMI-DADE COUNTY NO KILL ANIMAL SHELTER POLICY, WHICH REQUIRES THAT: (1) THE COUNTY PROTECT AND CARE FOR ALL ANIMALS IMPOUNDED AT COUNTY-OPERATED SHELTERS DURING THE PERIOD OF THEIR IMPOUNDMENT; AND (2) AN ANIMAL IMPOUNDED AT A COUNTY-OPERATED SHELTER MAY BE EUTHANIZED ONLY IF THE ANIMAL HAS PROVEN TO BE DANGEROUS WITH A POOR TO GRAVE PROGNOSIS FOR REHABILITATION OR IRREDEMIABLY SUFFERS WITH A POOR TO GRAVE PROGNOSIS FOR BEING ABLE TO LIVE WITHOUT UNNECESSARY PHYSICAL PAIN OR SUFFERING, EVEN WITH PROMPT, NECESSARY, AND COMPREHENSIVE CARE

WHEREAS, through the County’s Animal Services Department, the County operates an animal shelter where the County impounds dogs and cats that have been abandoned, voluntarily surrendered, found astray, or otherwise taken into County custody; and

WHEREAS, on July 3, 2012, this Board adopted Resolution No. R-583-12, directing the County Mayor or designee to develop and implement a financially feasible, actionable No Kill Implementation Plan, with measurable goals and due dates, to achieve a 90 percent save rate at the County’s animal shelter; and

WHEREAS, the County Mayor subsequently developed an Animal Services Department Strategic Plan, a multifaceted plan with the “ultimate goal” of “[r]eaching and sustaining the ‘No Kill’ 90 percent save rate or higher”; and

WHEREAS, the Strategic Plan identified numerous varied practices to achieve the plan’s goal, such as conducting adoption events, providing adoption counseling, recruiting volunteers, neutering free-roaming cats, operating low-cost or no-cost sterilization clinics, and creating programs for surrender prevention and pet retention; and

WHEREAS, this Board accepted the Animal Services Department Strategic Plan in Resolution No. R-476-13, which was adopted on June 18, 2013; and

WHEREAS, the Animal Services Department first achieved the goal of the Strategic Plan in 2015, when the Department saved greater than 90 percent of animals entering the shelter; and

WHEREAS, the Animal Services Department continues to employ various practices to continue to strive to achieve the goal of the Strategic Plan, including but not limited to partnering with animal-rescue organizations, promoting adoptions, and providing high-quality veterinary care to animals in the shelter; and

WHEREAS, while the Animal Services Department has made great strides in meeting the Strategic Plan's goal of obtaining a 90 percent save rate, the County should endeavor to protect all animals in its shelter without regard to whether a certain save rate has been obtained; and

WHEREAS, dogs and cats are sociable living beings with complex emotions and therefore deserve compassion, protection, and care from the community in which they live; and

WHEREAS, treating animals with compassion promotes animal welfare but also has the benefit of teaching people how to be more compassionate in their own lives; and

WHEREAS, given that seven years have passed since the Strategic Plan was established, the time has come for this Board to establish a more rigorous County policy requiring that the County protect and care for all animals impounded at County-operated shelters during the period of their impoundment; and

WHEREAS, this Board recognizes that some animals must be euthanized because they have proven to be dangerous ~~[[to public safety]]~~¹ >>with a poor to grave prognosis for rehabilitation<< or ~~[[suffer from medical conditions that cause severe long term pain and~~

¹ The differences between the substitute and the original item are indicated as follows: Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< are added.

~~suffering]] >>irremediably suffer with a poor to grave prognosis for being able to live without unnecessary physical pain or suffering, even with prompt, necessary, and comprehensive veterinary care<<~~, and therefore this Board also wishes to establish a County policy that an animal impounded at a County-operated shelter may be euthanized only for one of those reasons; and

WHEREAS, for the health, safety, and welfare of the animals and people of Miami-Dade County, this Board wishes to create the “Save Charlie Act” and establish the foregoing policies as the official Miami-Dade County No Kill Animal Shelter Policy,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are incorporated into this resolution and are approved.

Section 2. This resolution shall be known as the “Save Charlie Act.”

Section 3. This Board establishes the Miami-Dade County No Kill Animal Shelter Policy, which requires that: (1) the County protect and care for all animals impounded at County-operated shelters during the period of their impoundment; and (2) an animal impounded at a County-operated shelter may be euthanized only if the animal has proven to be dangerous ~~[[to public safety]]~~ >>with a poor to grave prognosis for rehabilitation<< or ~~[[suffers from a medical condition that causes severe long-term pain and suffering-]]~~ >>irremediably suffers with a poor to grave prognosis for being able to live without unnecessary physical pain or suffering, even with prompt, necessary, and comprehensive veterinary care.

Section 4. This Board directs the County Mayor or County Mayor’s designee to commence full implementation of the No Kill Animal Shelter Policy in the Fiscal Year 2021–22. This Board further directs the County Mayor to include funding for full implementation of the No Kill Animal Shelter Policy in the proposed Fiscal Year 2021–22 County budget.<<

The Prime Sponsor of the foregoing resolution is Commissioner Kionne L. McGhee and the Co-Sponsor is Commissioner Danielle Cohen Higgins. It 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:

Rebeca Sosa, Acting Chairwoman	
Jose "Pepe" Diaz	Sen. René García
Oliver G. Gilbert, III	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Sen. Javier D. Souto

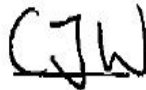
The Chairperson thereupon declared this resolution duly passed and adopted this 15th day of December, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Christopher J. Wahl