

MEMORANDUM

Amended
Agenda Item No. 7(C)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: December 12, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to animals;
creating an Animal Services
Advisory Board; creating section
5-26 of the code; providing for
purpose, composition and duties
of the Board and other related
matters

O-23-107

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kionne L. McGhee and Co-Sponsor Commissioner Kevin Marino Cabrera.


Geri Bonzon-Keenan
County Attorney

GBK/gh

Memorandum



Date: December 12, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to Creating an Animal Services Advisory Board- File No. 231753

The fiscal impact to the Miami-Dade County Animal Services Department would be up to \$65,000, the salary for 1 AO2 position that will prepare data reports for the board and coordinate meetings.

A handwritten signature in blue ink that reads "Morris Copeland".

Morris Copeland
Chief Community Services Officer

Memorandum



Date: December 12, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance creating the Animal Services Advisory Board,
File No. 231753

The proposed ordinance creates section 5-26 of Chapter 5 of the Code of Miami-Dade County by creating an Animal Services Advisory Board and provides purpose, composition and duties of the board and other related matters.

The proposed ordinance is expected to provide a social equity benefit for the community as it will advise on best practices to address animal welfare needs including the overpopulation of abandoned or surrendered animals to the Miami-Dade County Animal Services Pet Adoption and Protection Center. The board will also advise on providing animal welfare services in areas of the County that have less resources available.



Morris Copeland
Chief Community Services Officer

Memorandum



Date: October 31, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Report on the Creation of the Animal Services Advisory Board

The proposed ordinance creates section 5-26 of Chapter 5 of the Code of Miami-Dade County by creating an Animal Services Advisory Board and provides purpose, composition and duties of the board and other related matters.

- The Animal Services Advisory Board is expected to advise on best practices to address animal welfare needs including the overpopulation of abandoned or surrendered animals to the Miami-Dade County Animal Services Pet Adoption and Protection Center.
- The Animal Services Advisory Board will advise on providing animal welfare services in areas of the County that have fewer resources available.
- The Animal Services Advisory Board will be comprised of 19 members with animal welfare expertise with members appointed directly by the Board of County Commissioners, directly by the Mayor, and through nominations from organizations identified in the ordinance subsequently forwarded to the Board by the Mayor.
- The Department of Animal Services will assign a staff member to liaison with the board members and schedule meetings as needed.
- The Advisory Board will not have bonding authority nor will it have the authority to enter into contracts and spend county funds.



Morris Copeland
Chief Community Services Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: December 12, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Amended
Agenda Item No. 7(C)

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
Veto _____
Override _____

Amended
Agenda Item No. 7(C)

ORDINANCE NO. 23-107

ORDINANCE RELATING TO ANIMALS; CREATING AN ANIMAL SERVICES ADVISORY BOARD; CREATING SECTION 5-26 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR PURPOSE, COMPOSITION AND DUTIES OF THE BOARD AND OTHER RELATED MATTERS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, in the Fiscal Year 2023-24 Budget, this Board is considering approving substantial additional funding to provide improved animal services for the purpose of reducing the number of dogs and cats that are abandoned or surrendered to the Miami-Dade Animal Services Pet Adoption and Protection Center, including through funding free and low-cost spay/neuter programs and facilities throughout the County, low-cost veterinary care programs, and responsible pet ownership educational programs; and

WHEREAS, to assure County taxpayers that their money is being used for appropriate purposes, this Board wishes to create an Animal Services Advisory Board (“ASAB”) of residents and experts to make recommendations to the Board of County Commissioners and the County Mayor as to the expenditure of such additional funding for spay/neuter services and as to certain other matters related to caring for and reducing the number of dogs and cats that are abandoned or surrendered to the Miami-Dade Animal Services Pet Adoption and Protection Center,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 5-26 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

Sec. 5-26. Animal Services Advisory Board (“ASAB”).

- (a) *Creation, purpose, membership, and qualifications.* The Animal Services Advisory Board (“ASAB”) is hereby created for the purpose of advising the Board of County Commissioners and the County Mayor as to certain matters relating to dogs and cats in the County’s care.
- (1) *Composition.* The ASAB shall be composed of 15 voting members, as follows:
- (i) Each County Commissioner shall appoint one member.
 - (ii) The County Mayor shall appoint one member.
 - (iii) The Board of County Commissioners (“Board”) shall appoint one member nominated by the Chairperson.
- (2) *Appointment procedure.*
- (i) Each County Commissioner’s and the County Mayor’s appointments shall be effective upon the filing of written notice of said appointment with the Miami-Dade County Clerk of the Board. It is provided, however, that an appointment shall not be effective if an appointee does not meet all required qualifications in this section, in article IB of chapter 2, and as otherwise provided in this code.
 - (ii) The Board of County Commissioners appointment shall be effective after adoption by resolution of the Board.
- (3) *Attendance, removal, and vacancies.* Attendance, removals, and vacancies shall be governed by article IB of chapter 2.
- (4) *Terms.*
- (i) The initial term of each member appointed by the Commissioners of Districts 1, 3, 5, 7, 9, 11, and 13 and by the County Mayor shall be 4 years.
 - (ii) The initial term of each member appointed by the Commissioners of Districts 2, 4, 6, 8, 10, and 12 and by the Board shall be 3 years.
 - (iii) Thereafter, each member shall be appointed for a term of four years.

- (iv) Terms expire in accordance with article IB of chapter 2.
- (5) *Qualifications.* Each member shall represent one of the following categories, provided that each category is represented by at least one member:
 - (i) Veterinarian licensed by the State of Florida who is currently practicing veterinary medicine in Miami-Dade County, whose practice consists primarily of caring for domestic animals;
 - (ii) Full-time employee of an animal welfare organization;
 - (iii) Member of a local, nonprofit organization providing services to stray or unwanted animals;
 - (iv) Certified animal behaviorist;
 - (v) Full-time employee of a municipal animal regulatory agency empowered and authorized to enforce local ordinances;
 - (vi) Full-time employee of a law enforcement agency, or a former employee of a law enforcement agency who has significant experience in investigating animal cruelty or other animal-related crimes;
 - (vii) Full-time employee or active board member from a wildlife animal rescue organization who has at least one year of experience actively managing operations in the organization;
 - (viii) Owner, partner, or officer of a pet retail store who resides in Miami-Dade County, and whose business participates in the local sales market;
 - (ix) Full-time employee from the Florida Department of Health in Miami-Dade County, or other professional who specializes in epidemiology, zoonotic, or communicable diseases.
 - (x) Attorney with experience in animal welfare law.
 - (xi) Full-time employee or active board member from a countywide or statewide Farming Organization, with experience in managing livestock.

- (xii) Resident who does not fall within the foregoing categories, who is not associated with an existing rescue agency, and who, within two years prior to appointment, has adopted an animal from Miami-Dade County Animal Services.
- (6) *Compensation.* ASAB members shall serve without compensation.
- (b) *Organization, meetings, and public records.*
 - (1) *Bylaws, Rules, and Regulations.*
 - (i) The ASAB shall be governed by article IB of chapter 2 and may establish, adopt, and amend bylaws, rules, and regulations for its own governance as are not inconsistent therewith.
 - (ii) If the ASAB does not adopt such rules or policies, or its adopted rules or policies do not address a particular situation, then the applicable provisions of the Board of County Commissioners' Rules of Procedure, as such may be amended from time to time, shall apply.
 - (2) *Officers.* The ASAB shall elect a chairperson and a vice-chairperson from among its members, who shall serve at the will of the ASAB for one-year terms.
 - (i) The chairperson shall preside at all meetings at which he or she is present.
 - (ii) The vice-chairperson shall act as chairperson in the absence of the chairperson.
 - (3) *Staff Support.* The ASAB shall have assistance from such staff as may be designated by the County Mayor or the County Mayor's designee. The staff shall:
 - (i) maintain and keep the records of the ASAB;
 - (ii) prepare, in cooperation with the chairperson, the agenda for each meeting;
 - (iii) be responsible for the preparation of such reports, minutes, documents, resolutions, or correspondences as the ASAB may direct;
 - (iv) generally administer the business and affairs of the ASAB, subject to budgetary limitations.

- (4) *Quorum.* A quorum shall be required to transact any business or exercise any power vested in the ASAB. Notwithstanding section 2-11.39.1 or any other provision of this code to the contrary, six members shall constitute a quorum.
- (c) *Meetings.* The ASAB shall hold meetings as it deems necessary, to the extent feasible and practicable, as determined by the County Mayor or County Mayor's designee. A special meeting may be called by the chairperson or by a written request of the majority of those persons duly appointed to the board.
- (d) *Powers and duties.* The ASAB shall have the following powers, duties, functions, and responsibilities:
 - (1) Make recommendations to the Board of County Commissioners ("Board") and the County Mayor ("Mayor") regarding expenditure of funds budgeted and allocated in the then-current fiscal year for spay/neuter programs and facilities throughout the County, low-cost veterinary care programs, responsible pet ownership educational programs, and other improved animal services for the purpose of reducing the number of, and providing appropriate care for, dogs and cats that are abandoned or surrendered to the Miami-Dade Animal Services Pet Adoption and Protection Center;
 - (2) Make recommendations to the Board and Mayor regarding proposed improvements to animal services infrastructure and animal services operations that may impact the delivery of such improved animal services;
 - (3) Make recommendations to the Board and Mayor regarding public information campaigns and education related to reducing the number of dogs and cats that are abandoned or surrendered to the Miami-Dade Animal Services Pet Adoption and Protection Center;
 - (4) Serve as a forum at which individuals and groups can express concerns and provide suggestions related to reducing the number of dogs and cats that are abandoned or surrendered to the Miami-Dade Animal Services Pet Adoption and Protection Center; and
 - (5) Perform such other duties as may from time to time be assigned to it by the Board of County Commissioners.

- (e) *Applicability of State and County rules and procedures.*
 - (1) All proceedings of the ASAB shall be conducted in accordance with Florida's open government laws, including but not limited to, the Government in the Sunshine Law and the Citizens' Bill of Rights of the Miami-Dade Home Rule Charter. The ASAB shall be deemed an "agency" for the purposes of the State's public records laws.
 - (2) The ASAB shall be governed by article IB of chapter 2, including, without limitation, as to application of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, section 2-11.1, and the requirement to provide members of the public a reasonable opportunity to be heard on any proposition before the ASAB.
- (f) *Reports.*
 - (1) The ASAB shall prepare, on an annual basis, a written report to the Board of County Commissioners describing the ASAB's activities, and the ASAB's chairperson or vice-chairperson shall appear as needed before the Board to present any matters pertinent to the ASAB.
 - (2) The completed annual reports required by this section shall be placed on an agenda of the full Board without committee review pursuant to rule 5.06(j) of the Board's Rules of Procedure.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

December 12, 2023

Approved by County Attorney as
to form and legal sufficiency:

GKS for GBK

Prepared by:



Dennis A. Kerbel

Prime Sponsor: Commissioner Kionne L. McGhee
Co-Sponsor: Commissioner Kevin Marino Cabrera